

**PROCEEDINGS OF THE BROWN COUNTY  
CRIMINAL JUSTICE COORDINATING BOARD**

Pursuant to Section 19.84 Wisconsin Statutes, a regular meeting of the **Brown County Criminal Justice Coordinating Board** was held on Tuesday, January 26, 2010, in the Truttman Room of the Law Enforcement Center – 300 East Walnut Street, Green Bay.

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**Present:** Judge Kendall Kelley-Chair, Pat Evans, Dennis Kocken, Jayme Sellen, Andy Williams, Lisa Wilson, John Zakowski.

**Excused:** Jim Arts, Jeffrey Cano, Don Hein, Jack Jadin, Jed Neuman,

**Citizen Reps:** Jeffrey Jazgar, Tim McNulty.

**Excused:** Dr. Gerald Wellens.

**Also Present:** Nicole Naze, Greg Urban, Donald Zuidmulder.

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1. **Call Meeting to Order:**

The meeting was called to order by Chair Judge Kendall Kelley at 3:36 p.m.

2. **Approve/Modify Agenda:**

**Motion made by Supervisor Evans and seconded by J. Sellen to approve. Vote taken. MOTION APPROVED UNANIMOUSLY.**

3. **Approve/Modify Minutes of November 24, 2009:**

**Motion made by D. Kocken and seconded by J. Sellen to approve. Vote taken. MOTION APPROVED UNANIMOUSLY.**

(Supervisor Williams arrived at 3:38 p.m.)

4. **Drug Court Update (Judge Zuidmulder):**

Judge Zuidmulder expressed appreciation to this Board for its support of the Drug Court and reported that the Drug Court, which began last March, now has four people; and two people are in Phase II. He said all are reconnecting with families; two are employed; one is looking for employment; and contributions are being made for the Drug Court fees.

Judge Zuidmulder explained the profile of the participants: They are non-violent repeat offenders who have previously had probation, jail, and prison experience; and the underlying vehicle for the criminal behavior has been alcohol or drug abuse. He said the program requires 180 days of sobriety. (The national statistics indicate that it takes 12-14 months for a person to successfully complete the program.) He said the program requires participants to do a combination of 40 hours of the following: employment, community service, treatment, and other programs.

Judge Zuidmulder said the public funds he has been given requires him to be prudent with regard to choosing people who will benefit from the program. He indicated that time is taken to select suitable participants, in order to make certain that public resources are being applied appropriately.

Judge Zuidmulder noted that the savings are realized, because most of these individuals would be in either jail or prison for a minimum of 6 months. He said the positive side is that most are back in the community performing community service or working.

Judge Zuidmulder said he is pleased with the current status, but would like to have more individuals involved in the program. He invited those present to attend the Drug Court: The confidential team meetings are at 1:00 p.m., and public sessions are at 2:00 p.m. every Friday.

When Judge Zuidmulder was asked about the screening process, he stated that the Drug Court does not take dealers convicted of deliveries. In addition, persons with any assaultive behaviors on record would be disqualified. He added that there have been people who have turned down this program, because they preferred to go to jail rather than meet the requirements for treatment, etc., established by the Drug Court.

Another issue brought up by Judge Zuidmulder concerned conversations with Judge Warpinski regarding an OWI Court, which would involve an entirely different clientele and issues. Since the Winnebago Safe Streets Act has been applied statewide, he said he will be looking into this further. He explained that the reason the Drug Court has not taken anyone with OWI offenses is the additional public safety cost that would be incurred for ignition interlocks, bands that detect alcohol, etc.

**Motion made by Supervisor Evans and seconded by J. Jazgar to receive and place on file. Vote taken. MOTION APPROVED UNANIMOUSLY.**

**5. Report from the District Attorney Regarding Drug Prosecution (D.A. John Zakowski):**

Nicole Naze distributed a 12-month study (copies attached). D.A. Zakowski reviewed the data with the Board.

While discussing the types of drugs involved, Judge Kelley asked if these percentages were typical throughout the state and nation; D.A. Zakowski said he would obtain that information for the Board.

While discussing the No Pros (Prosecution) Cases, D.A. Zakowski listed some of the reasons cases might not be prosecuted:

- A person was charged, but another person admitted the drugs were his;
- There were other charges involved, and the drug charge is considered part of that other case;
- Inability to obtain corroboration; or
- Insufficient evidence.

D.A. Zakowski noted that all cases that were not prosecuted were specifically reviewed; and out of all of the cases for 2009, only 33 were not charged. He added that there is a higher percentage of referrals charged on drug cases than any other crime.

Jeffrey Jazgar expressed concern regarding providing a list of those persons charged but not prosecuted. After discussion, Judge Kelley instructed those present to return that information to D.A. Zakowski and that it not be included in the public record. Judge Kelley said even though this information could be arrived at through police files, this is a courtesy to those individuals; so there is not an improper inference drawn from the fact that the cases were reviewed by the District Attorney's office.

Judge Kelley expressed his appreciation to D.A. Zakowski and Nicole Naze and recognized that there was a lot of effort involved in providing this to this Board. D.A. Zakowski added that Ms. Naze has done a great job compiling this.

Mr. Jazgar requested that it be noted that a second offense for possession of THC is considered a felony, and stated that this felony charge might not be as great as one might perceive a felony to be. Judge Kelley asked if there was a way to identify those felony charges for possession. Ms. Naze said she is currently looking at dispositions of these cases; and those charged as felonies could have resulted in convictions as misdemeanors. She noted that the information regarding dispositions will be reflected in the report she is preparing.

Mr. Jazgar responded by saying he thought the purpose of the study was to reflect initial charges and not ultimate dispositions. He opined that this could slant or alter the entire focus of the report this Board is submitting. D.A. Zakowski agreed with Mr. Jazgar that the focus was those cases that were charged, and explained that the requests for dispositions of the cases arose later. Judge Kelley stated that when reporting to the Brown County Board of Supervisors, the County Board may ask how the drug problem is being addressed; so the problem and the response to the problem could both be part of the big picture. D.A. Zakowski said felonies should be more serious; and even if it is a possession case, the fact is this is a problem if these are repeaters. He added that it is reflective of the type of person involved with drugs. Mr. Jazgar said identifying possession felonies and dealing felonies could help determine how funds should be diverted in the future, such as AODA counseling.

6. **Community Drug Education Programs (D.A. John Zakowski):**  
Report postponed.

7. **OWI Law Changes (Judge Kelley):**  
Report postponed.

8. **Such Other Matters as Authorized by Law:**  
Judge Kelley asked those present to consider the next steps to be taken to determine what is to be reported to the Brown County Board of Supervisors. He said he would like input at the next meeting concerning this.

When the members were asked for suggestions as to agenda items for the next meeting, Sheriff Kocken asked that courthouse security be included. He said he has been asked by the Courthouse Security Committee to check on the feasibility and costs of screening for weapons.

9. **Adjourn:**

**Motion made by J. Zakowski and seconded by T. McNulty to adjourn at 4:32 p.m.**  
**Vote taken. MOTION APPROVED UNANIMOUSLY.**

Respectfully submitted,

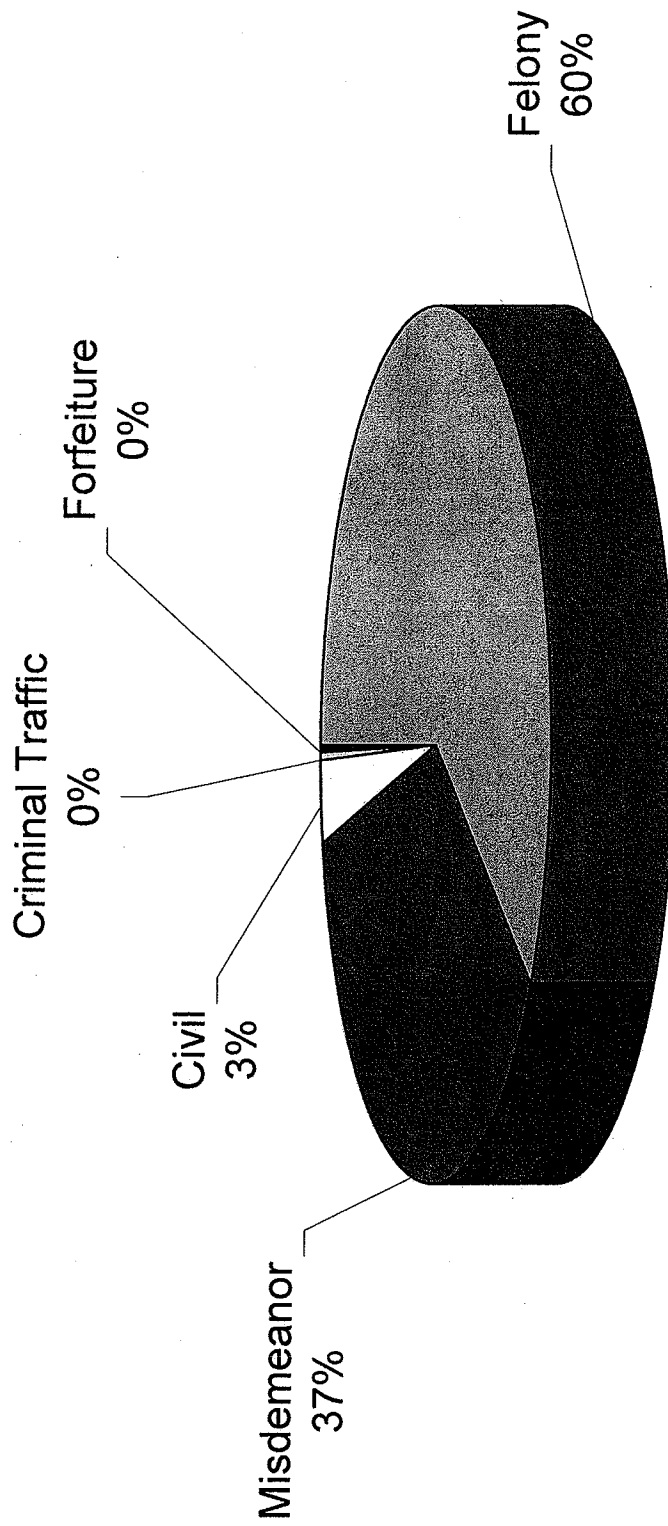
Lisa M. Alexander  
Recording Secretary

# **2009 Drug Prosecution Study**

**District Attorney John P. Zakowski  
Brown County, Wisconsin**



## Types of Drug Cases Charged in 2009 (Percentages)



## Summary of 2009 Drug Demographics

### Age

17 & younger	18-24	25-34	35-44	45-54	55-64	65 or older
13	361	326	166	82	16	1

### Gender

Male	Female					
718	233					

### Race

W	B	H	A	I	U	
484	248	79	34	93	13	

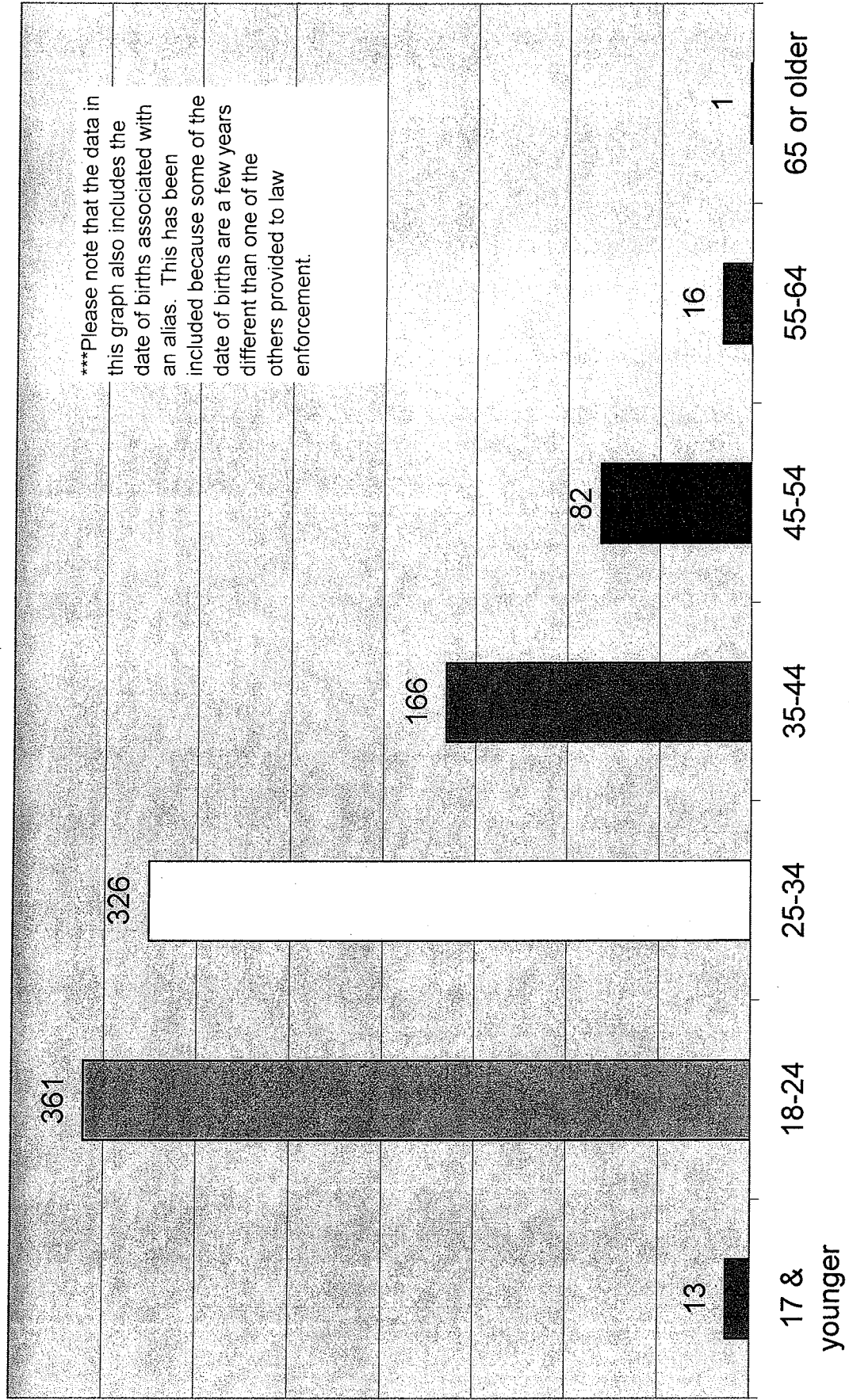
### Attorney Assigned

WWL		BL/SEB		ARP		Other
420		206		303		22

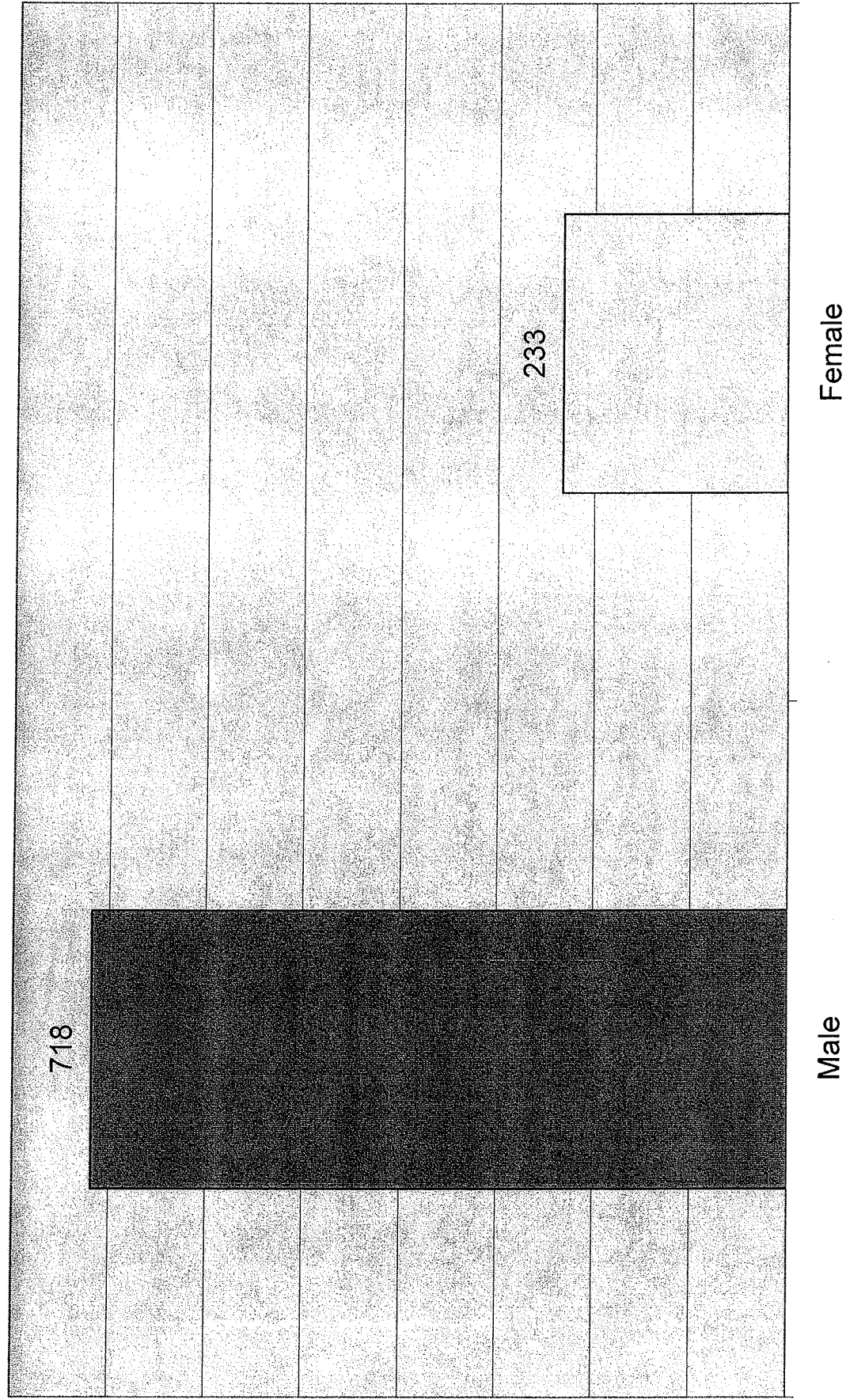
### Previous Convictions

Yes			No			Pending
460			223			66
202						

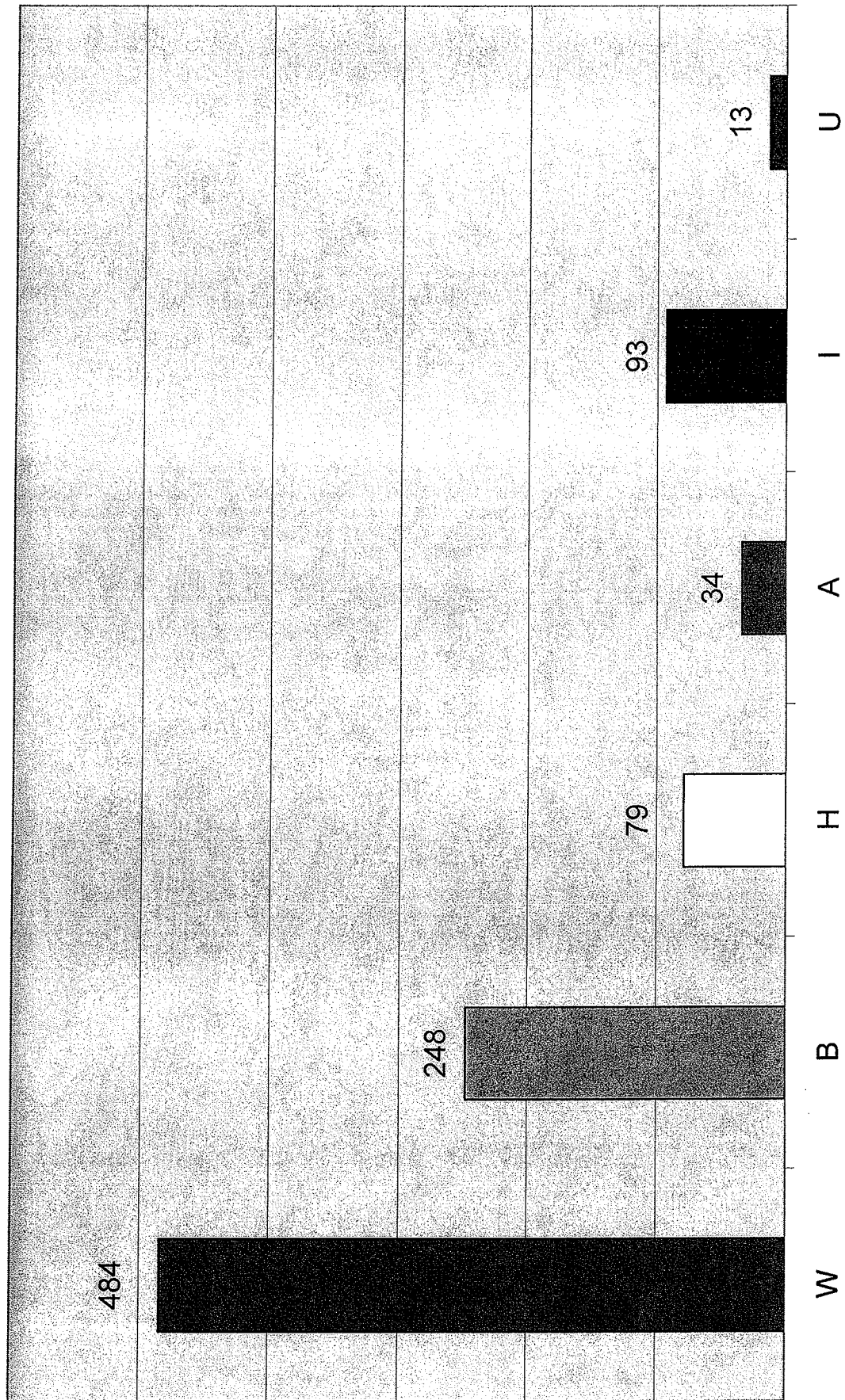
# 2009 Age Range for Charged Drug Cases



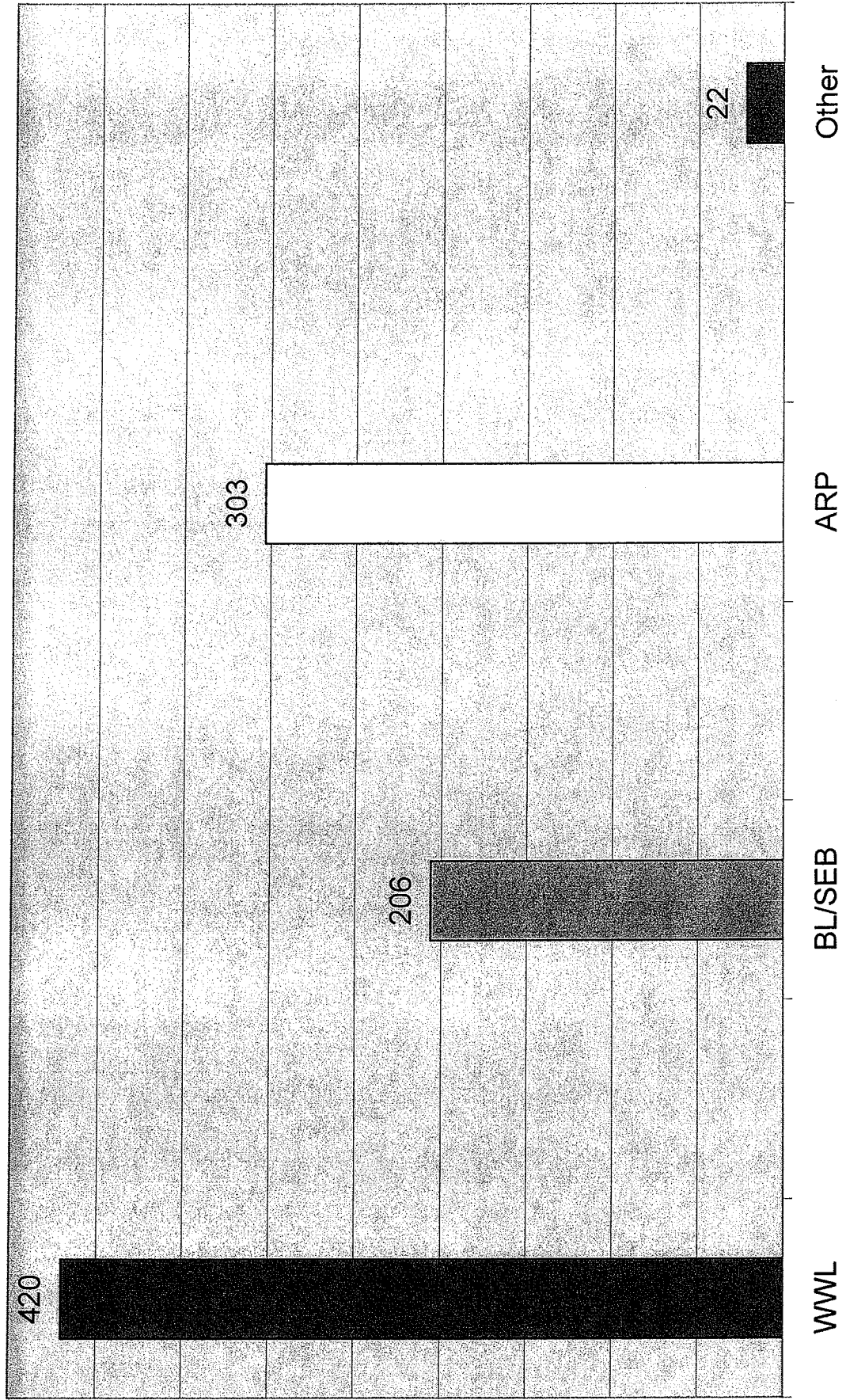
# 2009 Gender of Charged Drug Cases



# 2009 Race of Charged Drug Cases

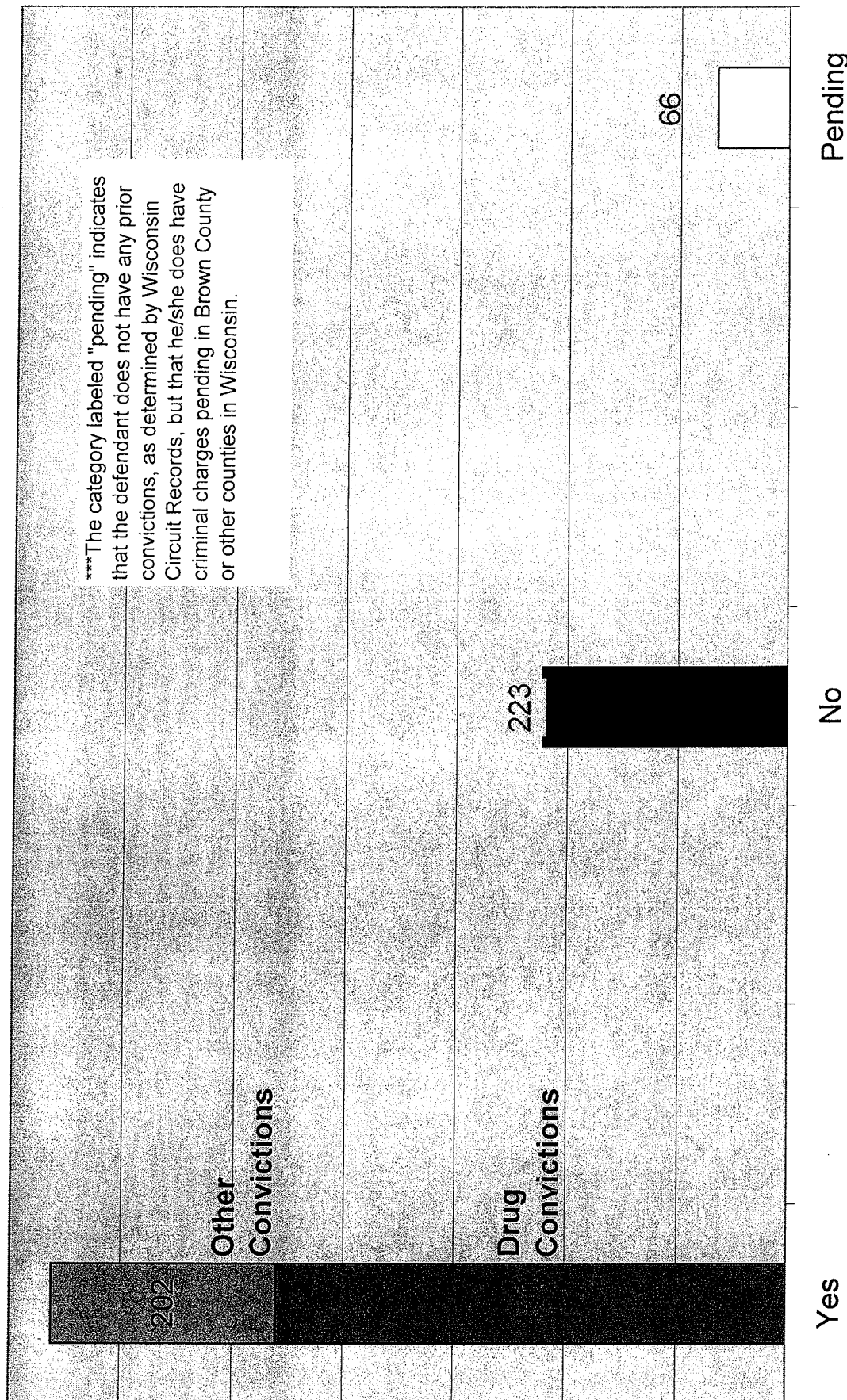


# 2009 Number of Drug Cases Charged by Attorney





# 2009 Previous Convictions Count

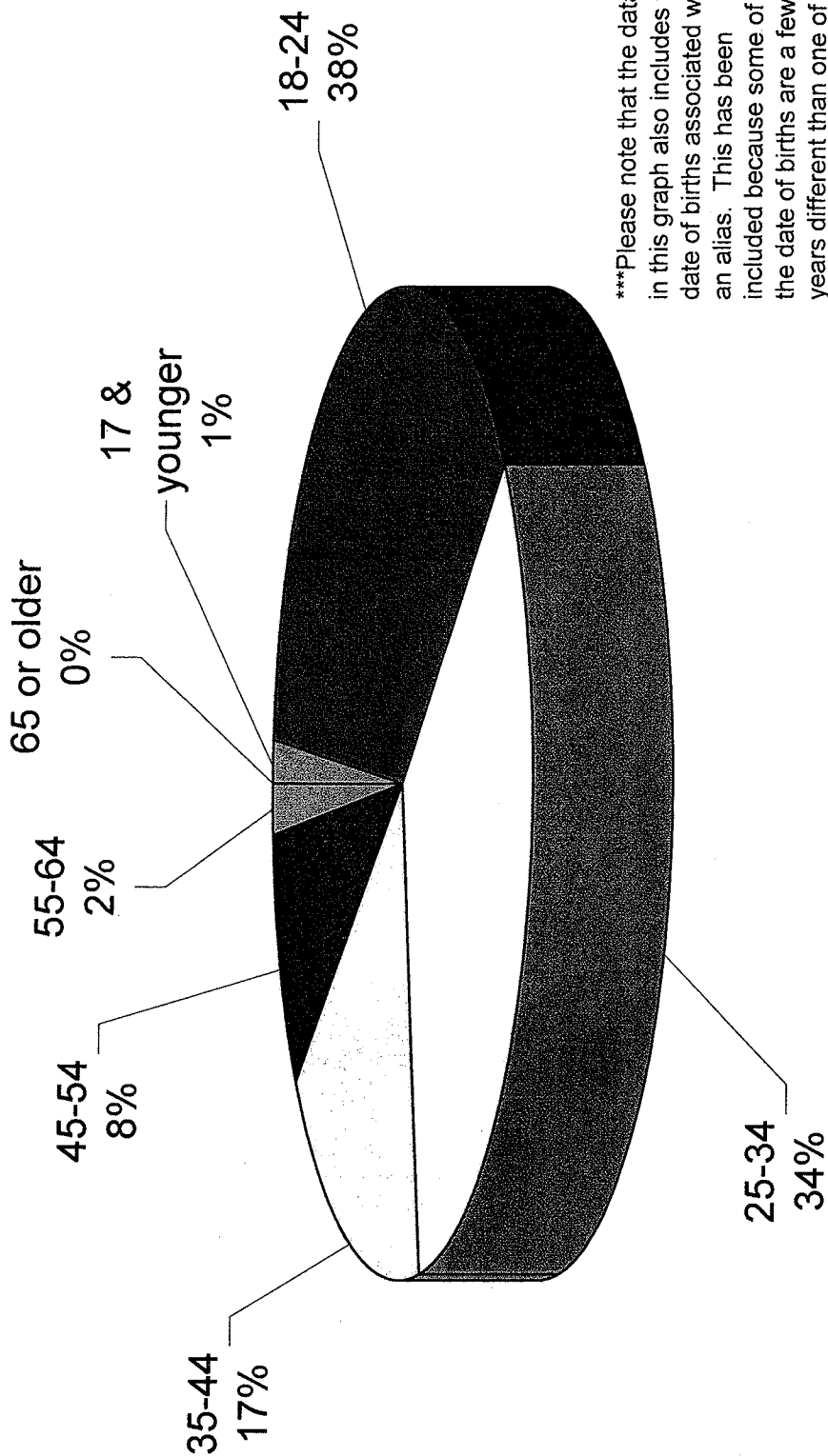


Map of the United States showing the number of states for each letter of the alphabet. The map is color-coded by region: West (light blue), Midwest (light green), South (light orange), Northeast (light pink), and Other (light yellow). Each state is labeled with its name and the number of states that start with that letter. For example, 'C' has 16 states (California, Colorado, Connecticut, etc.), 'M' has 21 states (Maine, Michigan, Minnesota, etc.), and 'S' has 12 states (South Dakota, South Carolina, etc.). A legend at the bottom right lists the letters and their corresponding state counts.

Letter	Number of States
A	1
B	1
C	16
D	1
E	1
F	1
G	1
H	1
I	11
J	1
K	3
L	1
M	21
N	1
O	1
P	2
Q	1
R	1
S	12
T	7
U	1
V	1
W	2
X	1
Y	1
Z	1

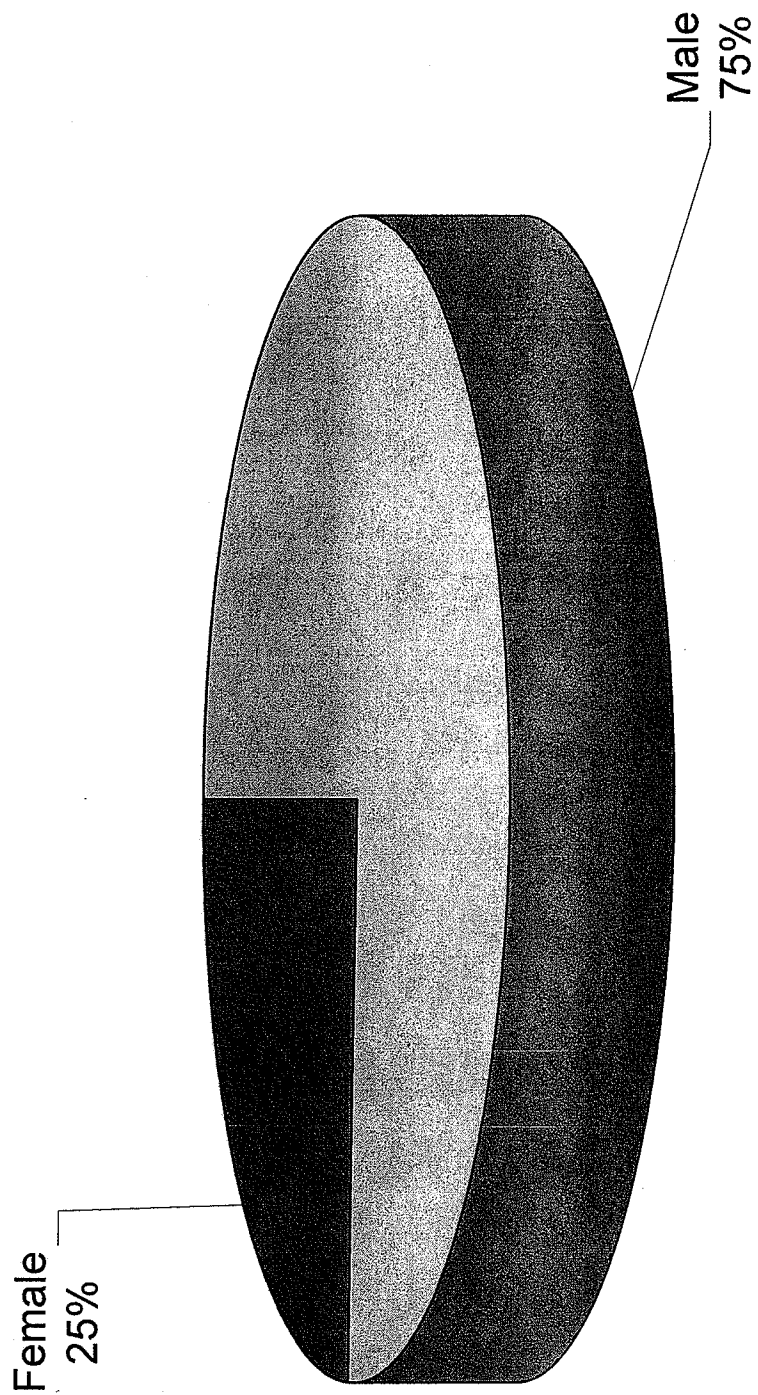


## 2009 Age Range for Charged Drug Cases (Percentages)

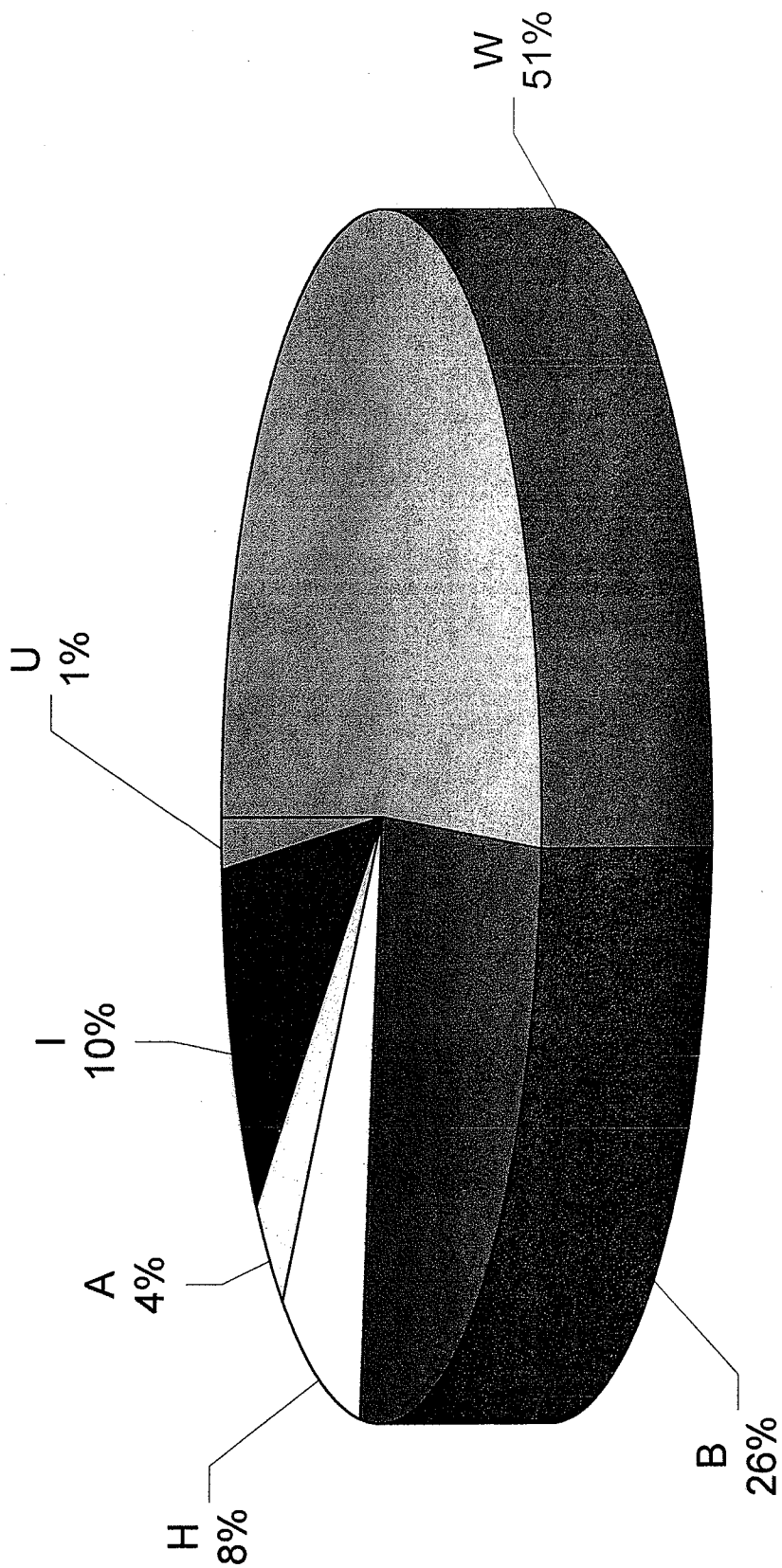


\*\*\*Please note that the data in this graph also includes the date of births associated with an alias. This has been included because some of the date of births are a few years different than one of the others provided to law enforcement.

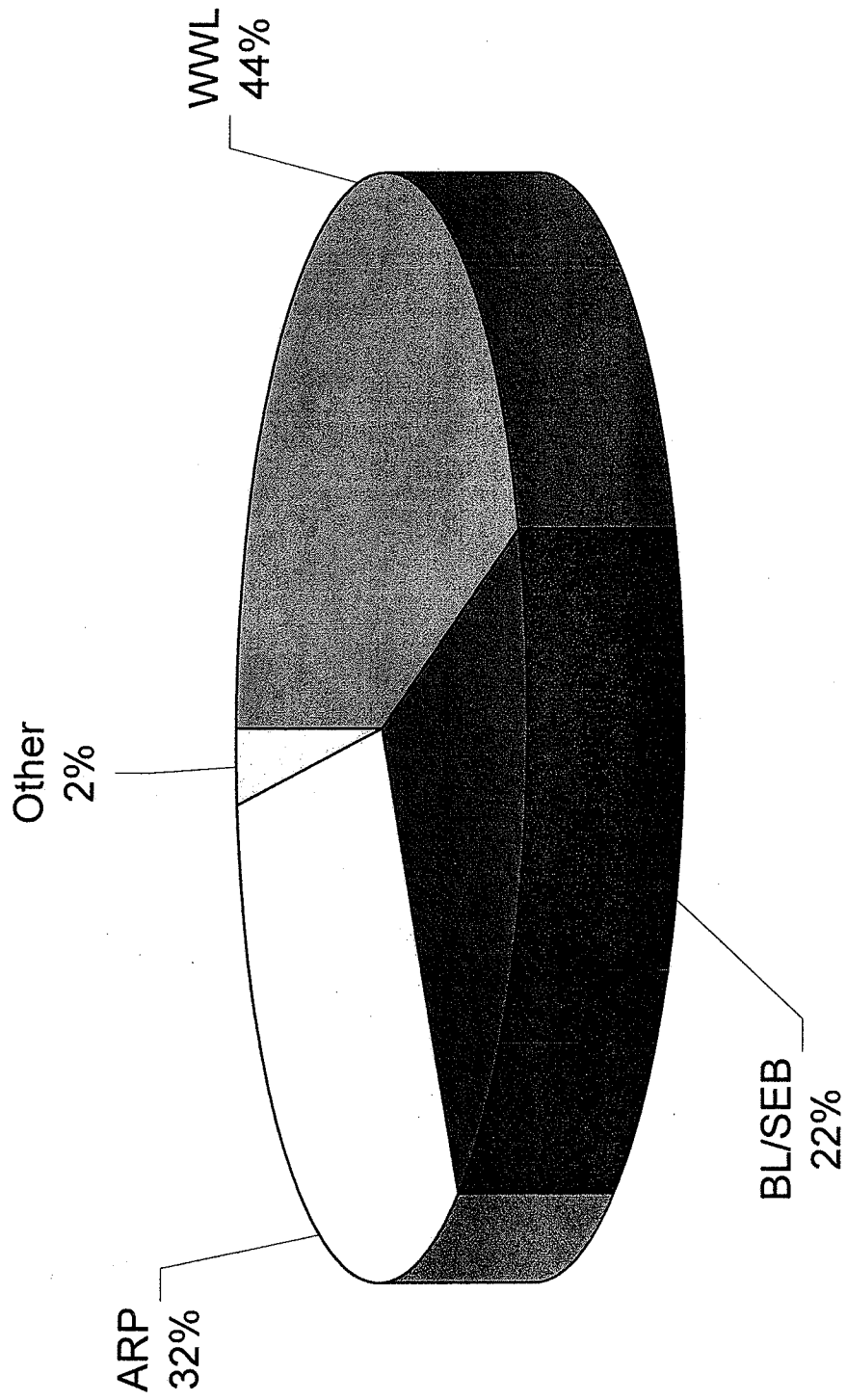
## 2009 Gender of Charged Drug Cases (Percentages)



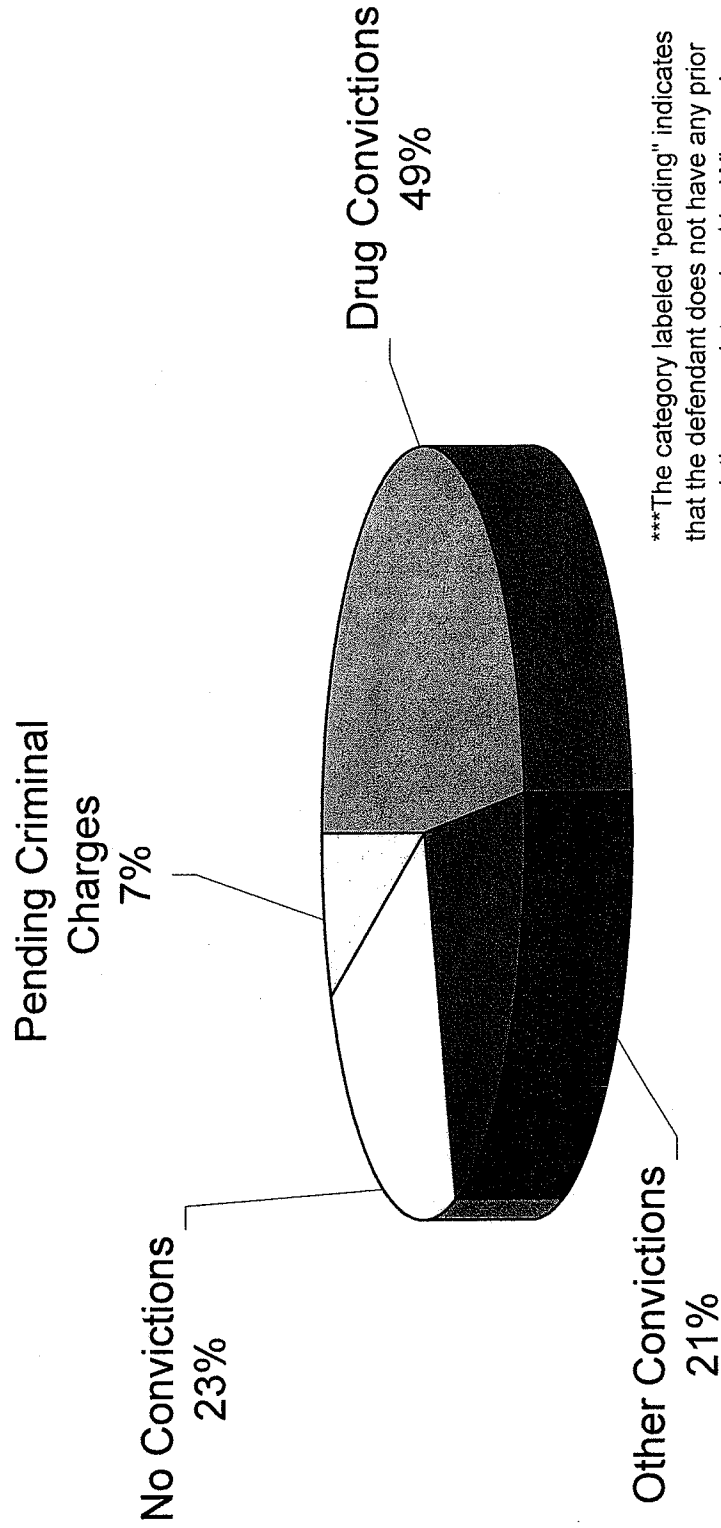
## 2009 Race of Charged Drug Cases (Percentages)



# 2009 Number of Drug Cases Charged by Attorney (Percentages)



## 2009 Previous Convictions Count (Percentages)

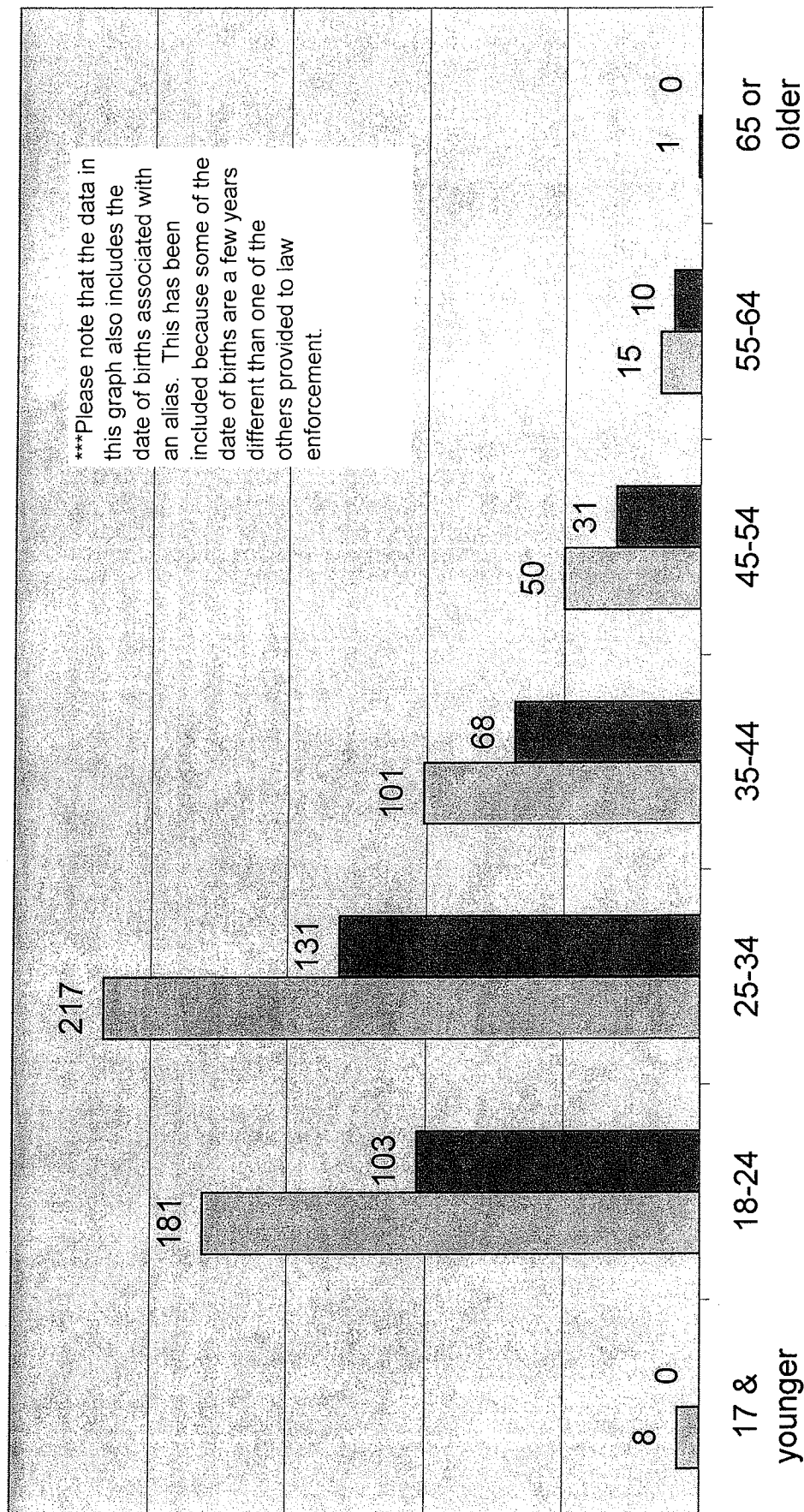


\*\*\*The category labeled "pending" indicates that the defendant does not have any prior convictions, as determined by Wisconsin Circuit Records, but that he/she does have criminal charges pending in Brown County or other counties in Wisconsin.

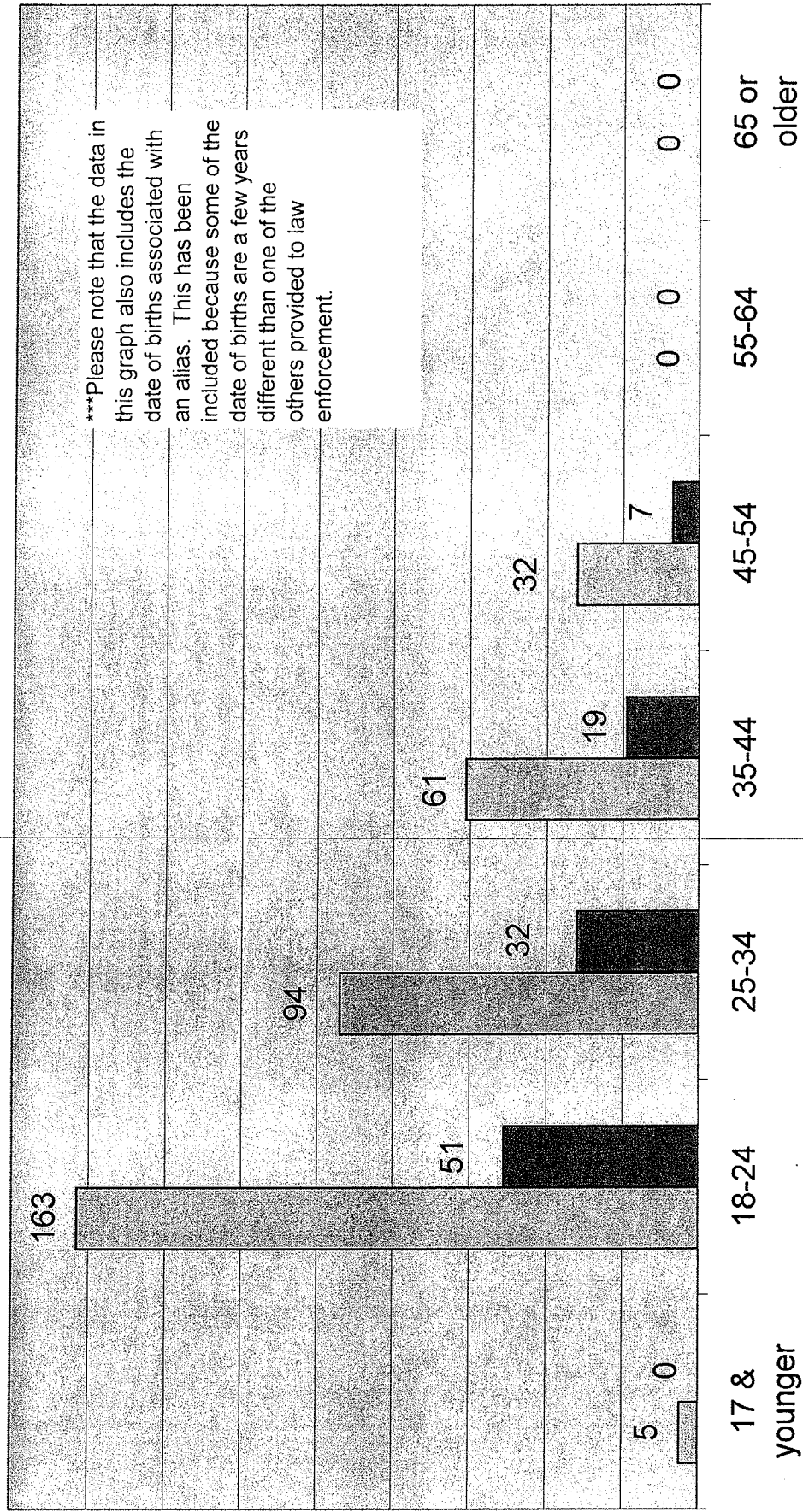
## 2009 Summary Age vs. Case Type

Felony							
	17 & younger	18-24	25-34	35-44	45-54	55-64	65 or older
Age	8	181	217	101	50	15	1
Prior Drug Convictions	0	103	131	68	31	10	0
Misdemeanor							
	17 & younger	18-24	25-34	35-44	45-54	55-64	65 or older
Age	5	163	94	61	32	0	0
Prior Drug Convictions	0	51	32	19	7	0	0
Civil							
	17 & younger	18-24	25-34	35-44	45-54	55-64	65 or older
Age	0	12	16	4	0	1	0
Prior Drug Convictions	0	6	8	2	0	0	0
Forfeiture							
	17 & younger	18-24	25-34	35-44	45-54	55-64	65 or older
Age	0	2	0	0	1	0	0
Prior Drug Convictions	0	0	0	0	1	0	0
Criminal Traffic							
	17 & younger	18-24	25-34	35-44	45-54	55-64	65 or older
Age	0	1	0	0	0	0	0
Prior Drug Convictions	0	1	0	0	0	0	0

# 2009 Charged Felony Drug Cases Age vs. Prior Drug Convictions



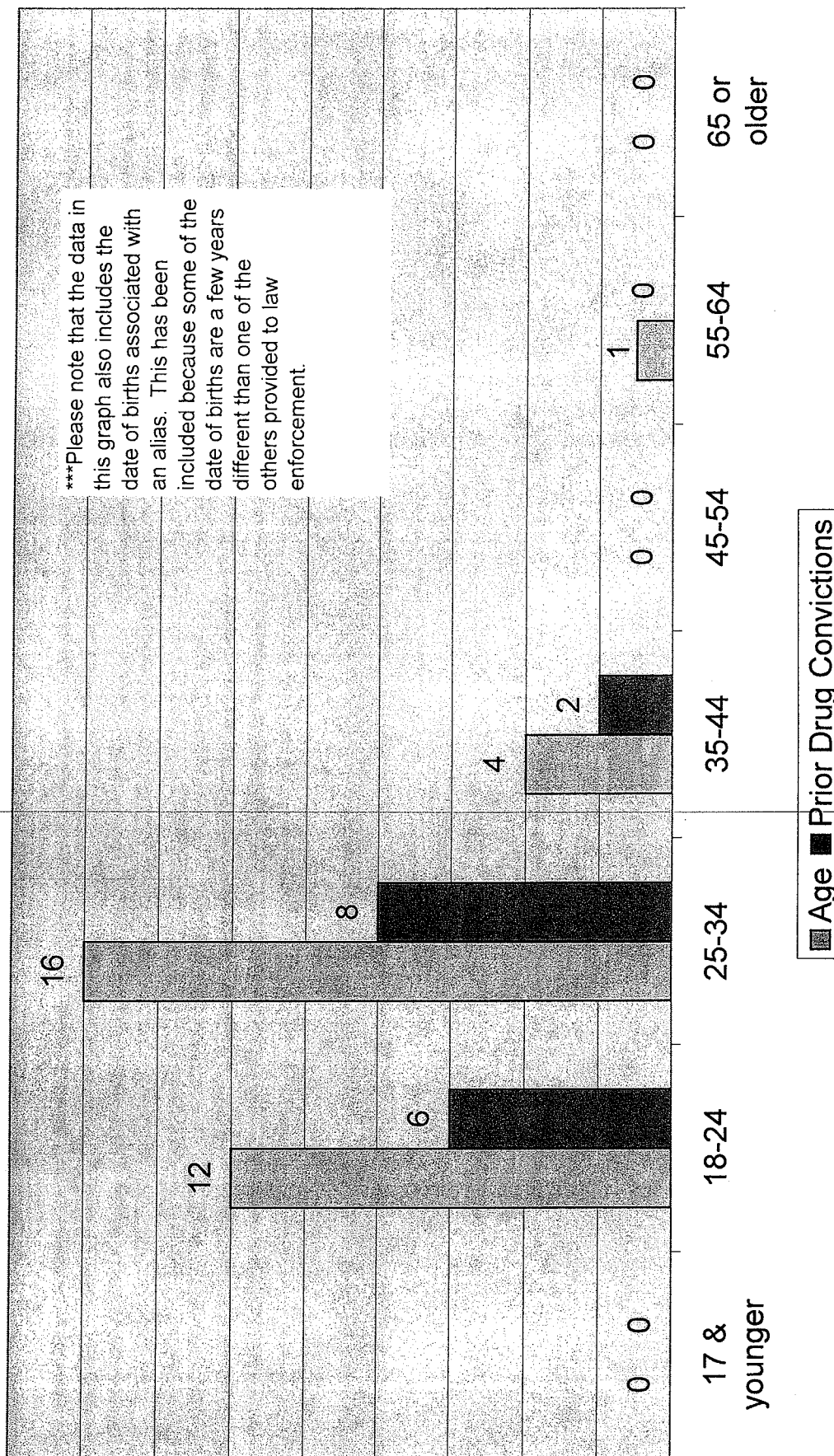
# 2009 Charged Misdemeanor Drug Cases Age vs. Prior Drug Convictions



■ Age ■ Prior Drug Convictions



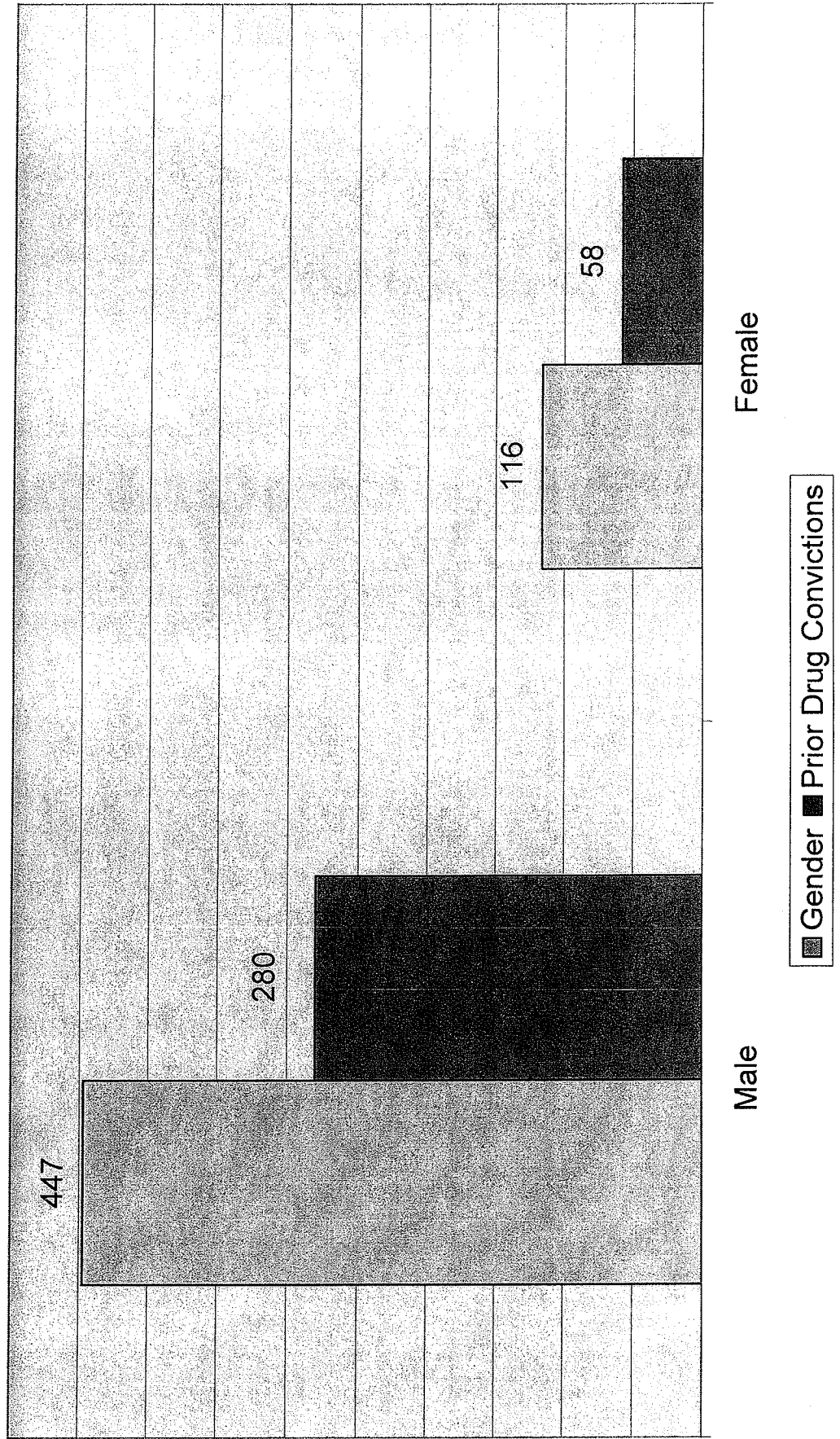
# 2009 Charged Civil Drug Cases Age vs. Prior Drug Convictions



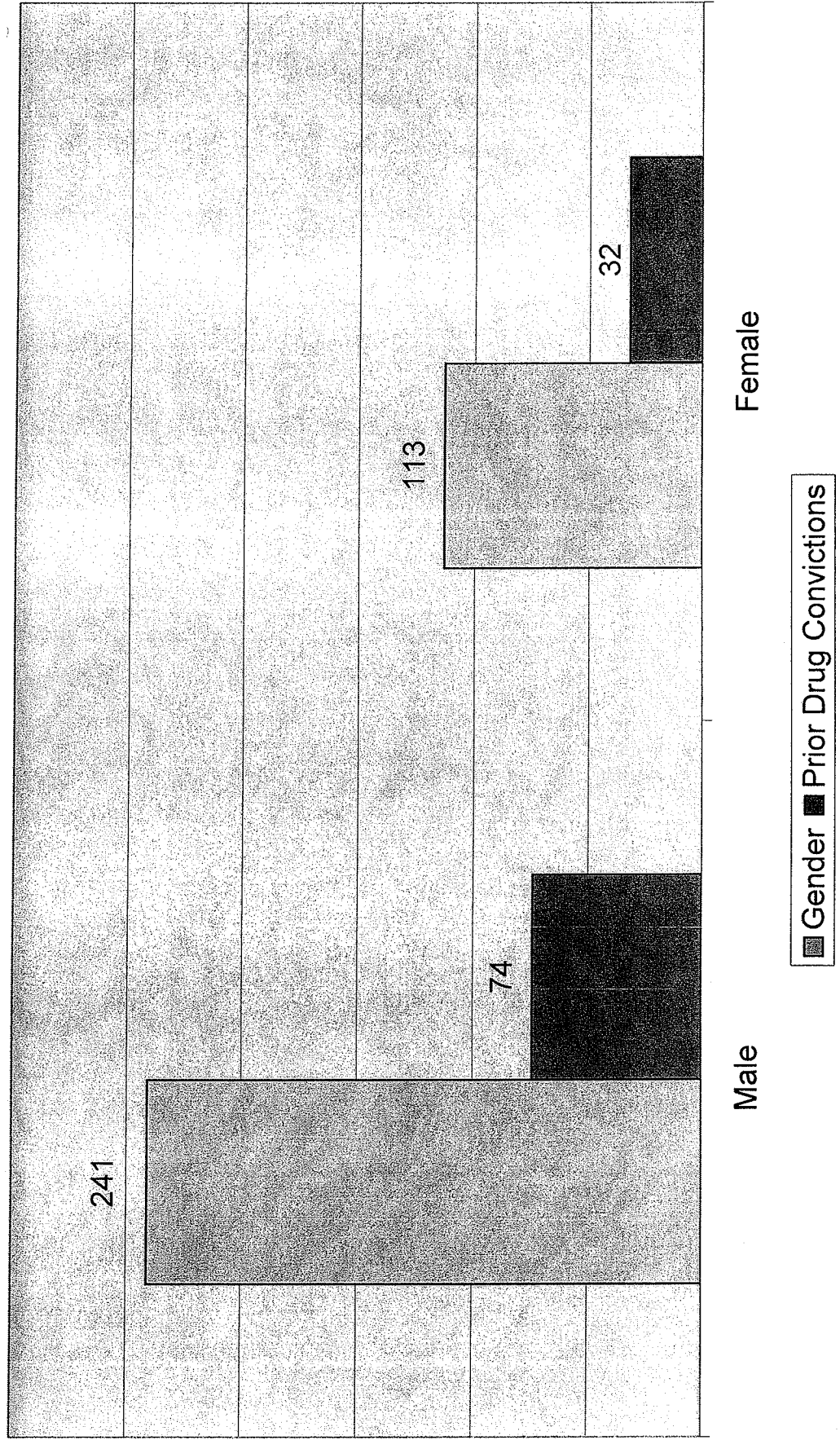
## 2009 Summary Gender vs. Case Type

Felony		
	Male	Female
Gender	447	116
Prior Drug Convictions	280	58
Misdemeanor		
	Male	Female
Gender	241	113
Prior Drug Convictions	74	32
Civil		
	Male	Female
Gender	27	3
Prior Drug Convictions	13	1
Criminal Traffic		
	Male	Female
Gender	1	0
Prior Drug Convictions	1	0
Forfeiture		
	Male	Female
Gender	2	1
Prior Drug Convictions	1	0

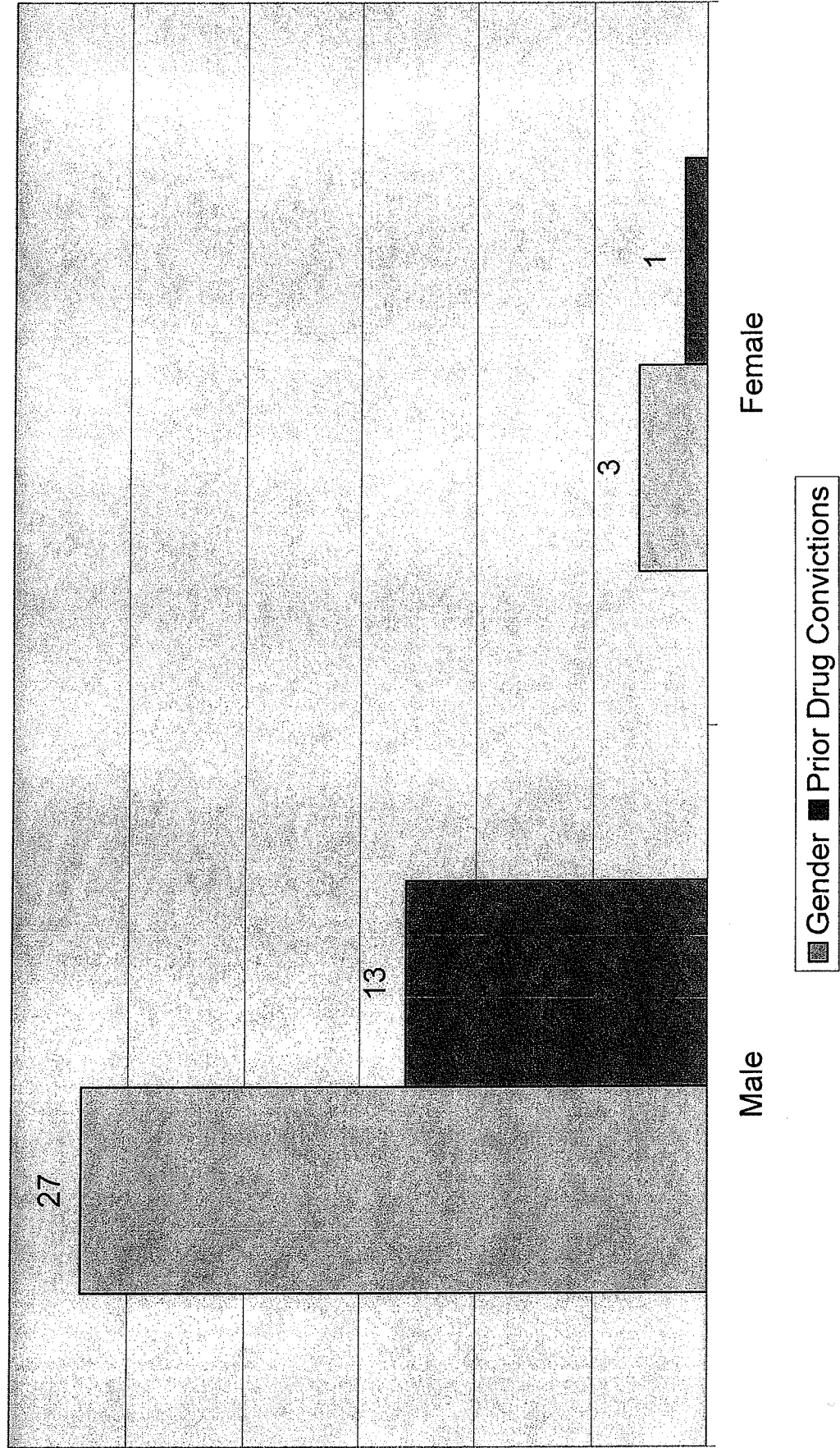
# 2009 Charged Felony Drug Cases Gender vs. Prior Drug Convictions



# 2009 Charged Misdemeanor Drug Cases Gender vs. Prior Drug Convictions



# 2009 Charged Civil Drug Cases Gender vs. Prior Drug Convictions

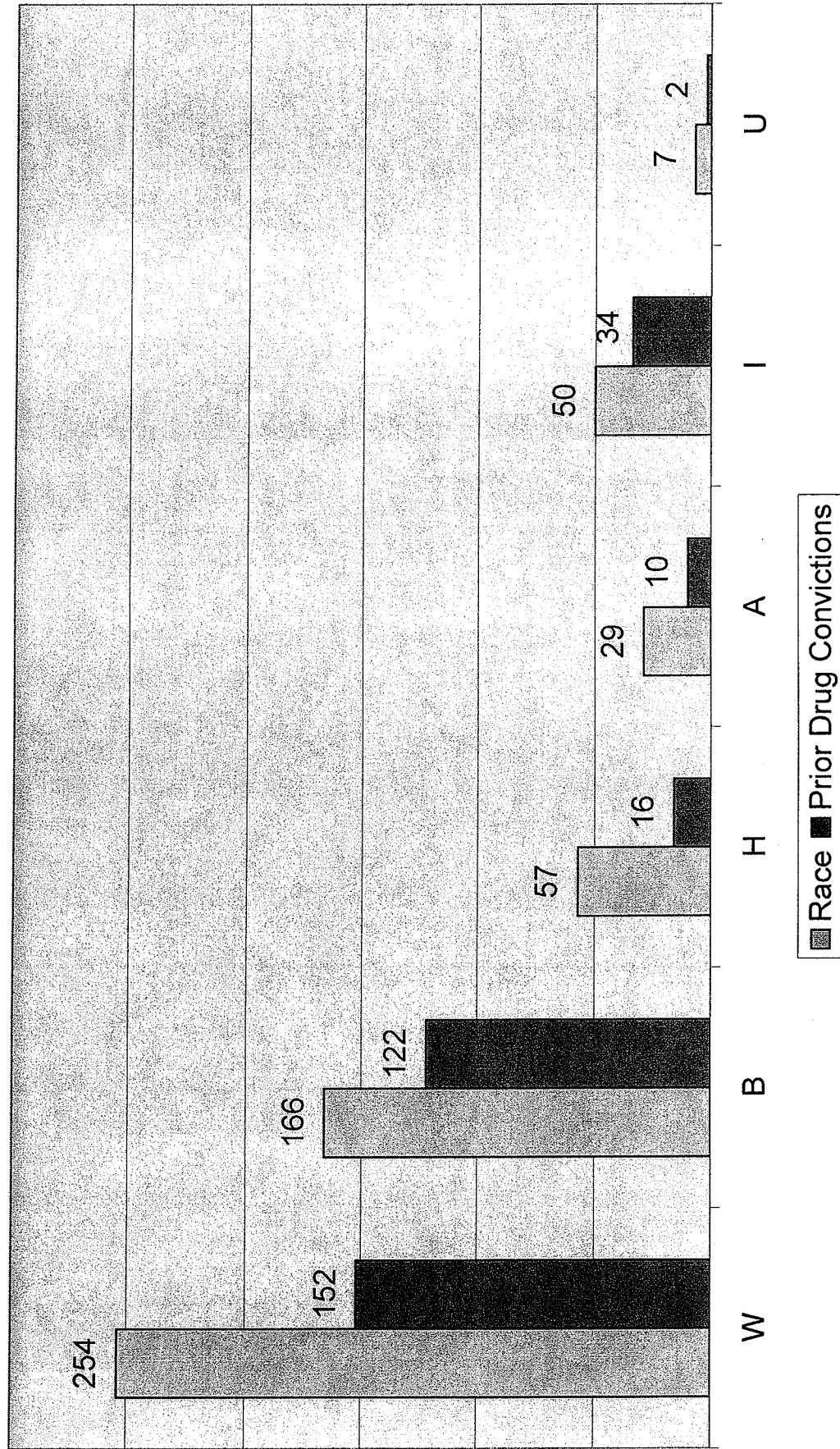


## 2009 Summary Race vs. Case Type

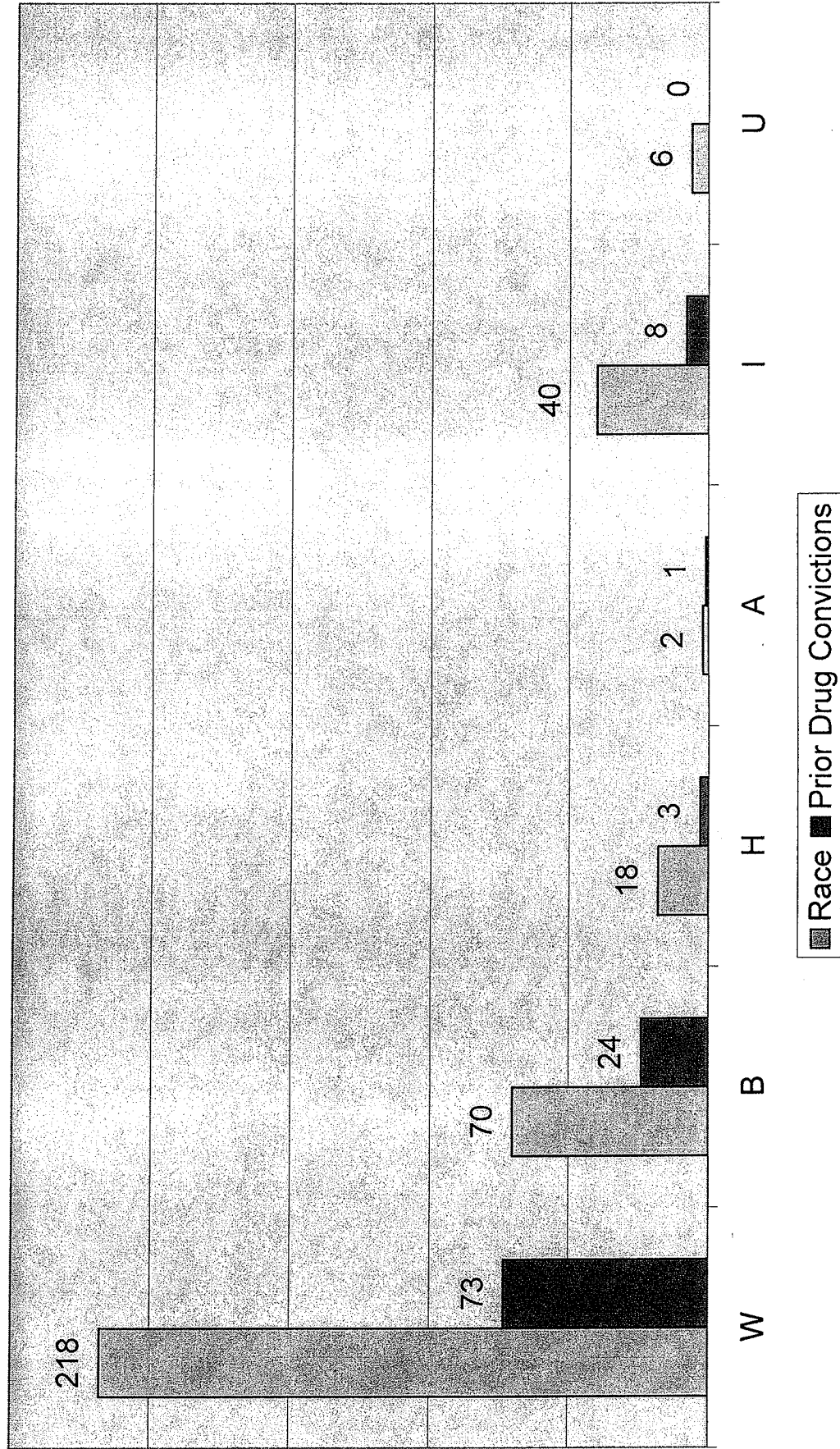
Felony						
	W	B	H	A	I	U
Race	254	166	57	29	50	7
Prior Drug Convictions	152	122	16	10	34	2
Misdemeanor						
	W	B	H	A	I	U
Race	218	70	18	2	40	6
Prior Drug Convictions	73	24	3	1	8	0
Civil						
	W	B	H	A	I	U
Race	9	12	4	3	2	0
Prior Drug Convictions	4	7	2	0	1	0
Forfeiture						
	W	B	H	A	I	U
Race	2	0	0	0	1	0
Prior Drug Convictions	0	0	0	0	1	0
Criminal Traffic						
	W	B	H	A	I	U
Race	1	0	0	0	0	0
Prior Drug Convictions	1	0	0	0	0	0



# 2009 Charged Felony Drug Cases Race vs. Prior Drug Convictions

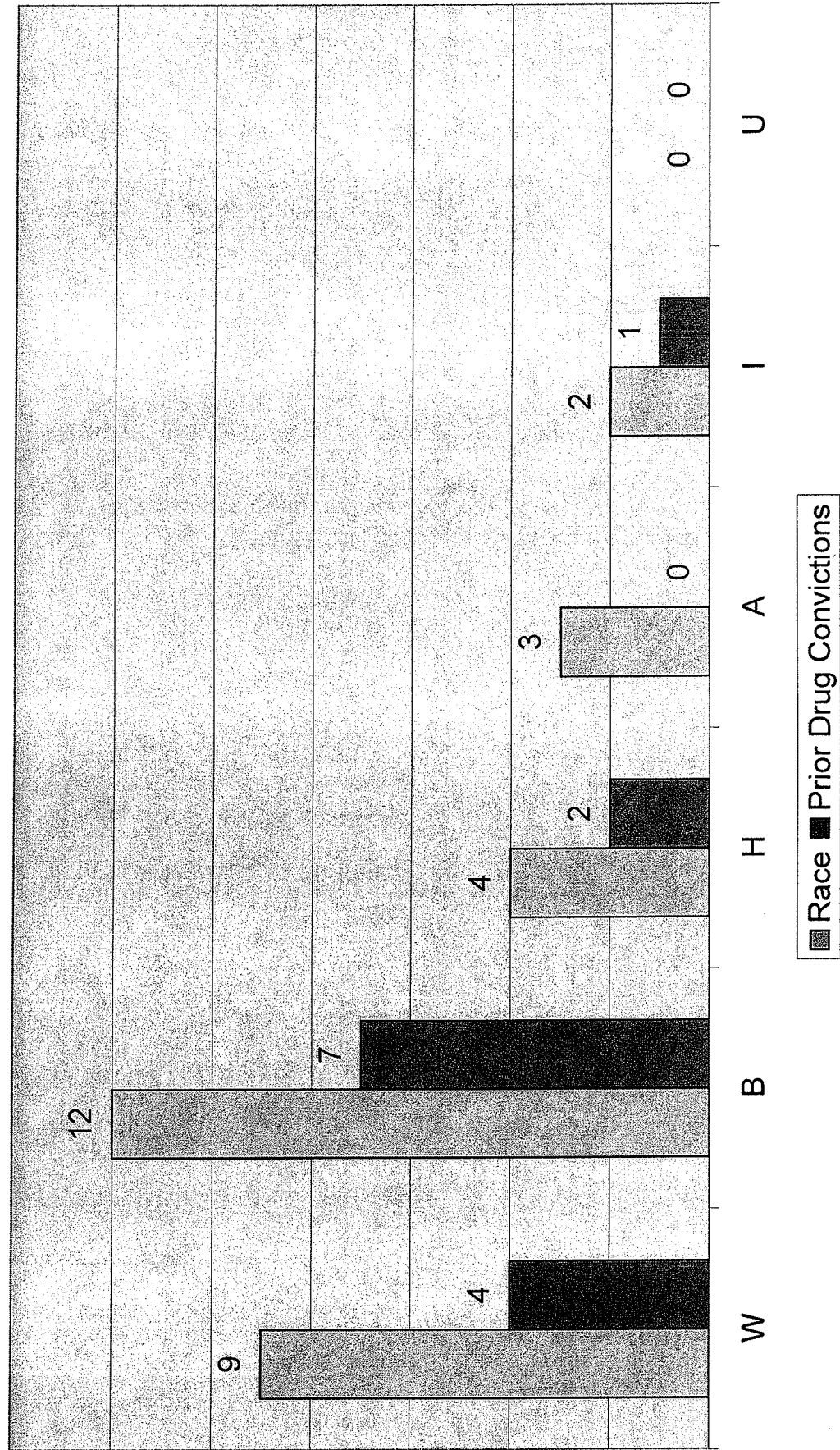


# 2009 Charged Misdemeanor Drug Cases Race vs. Prior Drug Convictions

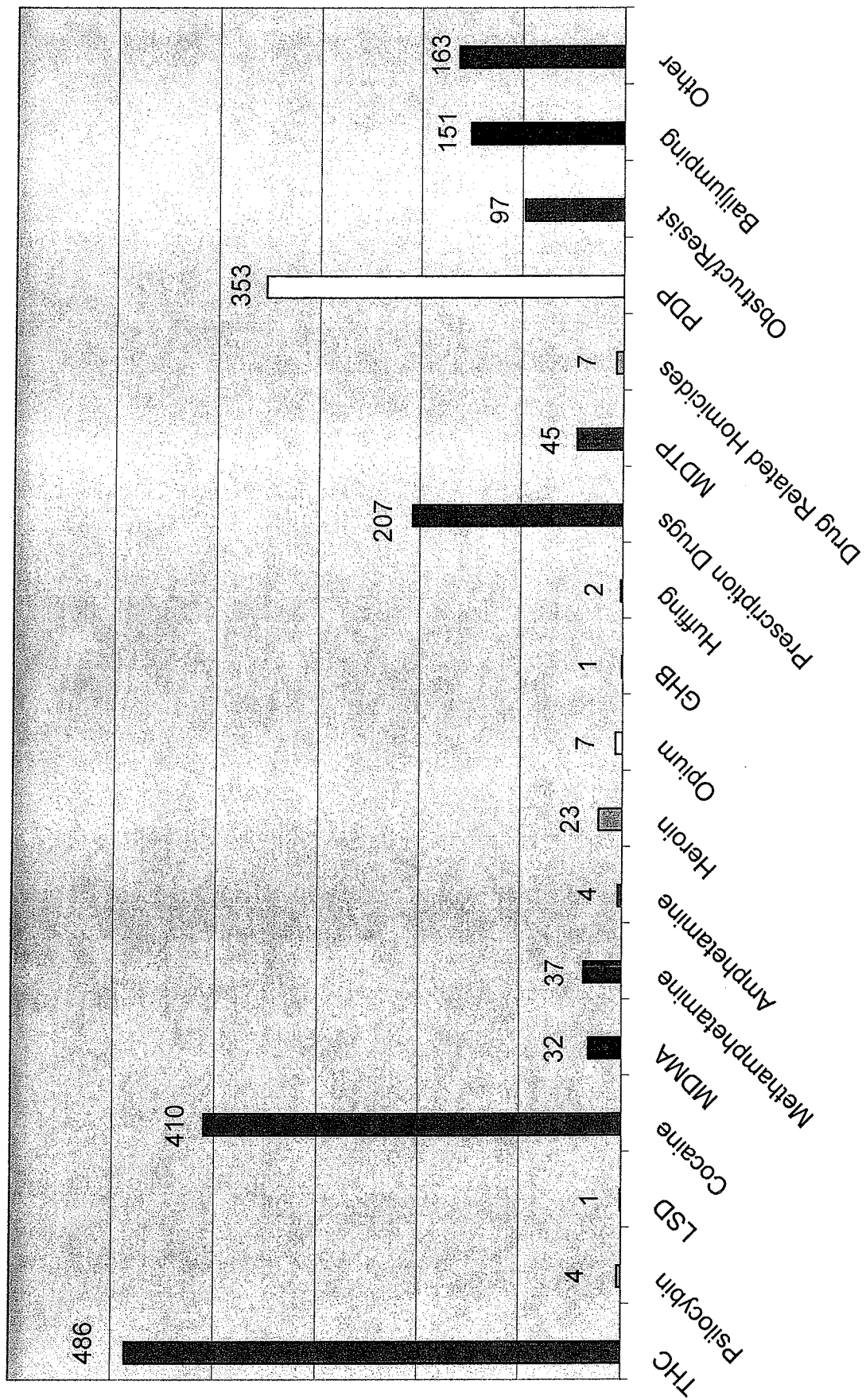




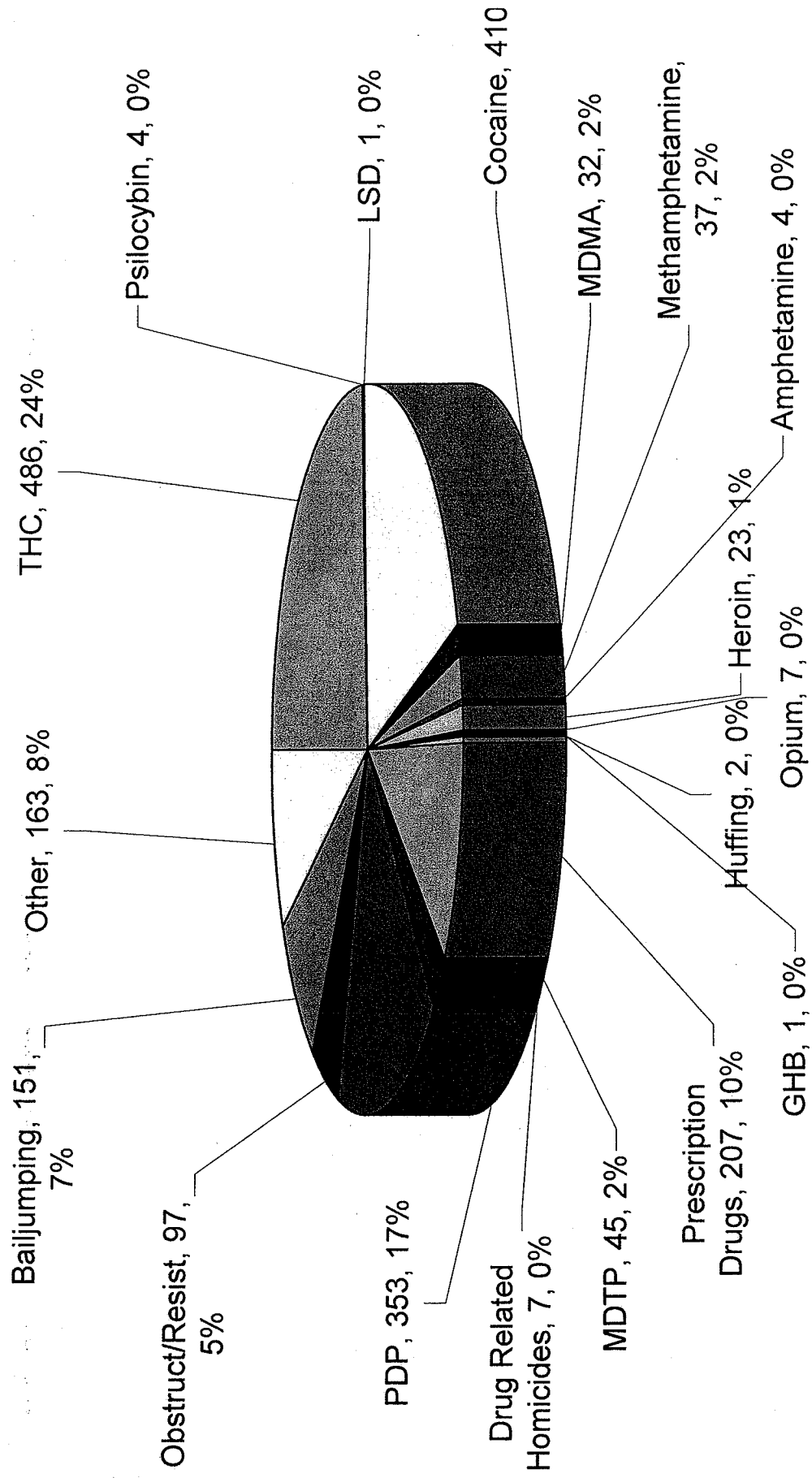
# 2009 Charged Civil Drug Cases Race vs. Prior Drug Convictions



# Types of Drugs and Crimes Involved with Drug Charges in 2009

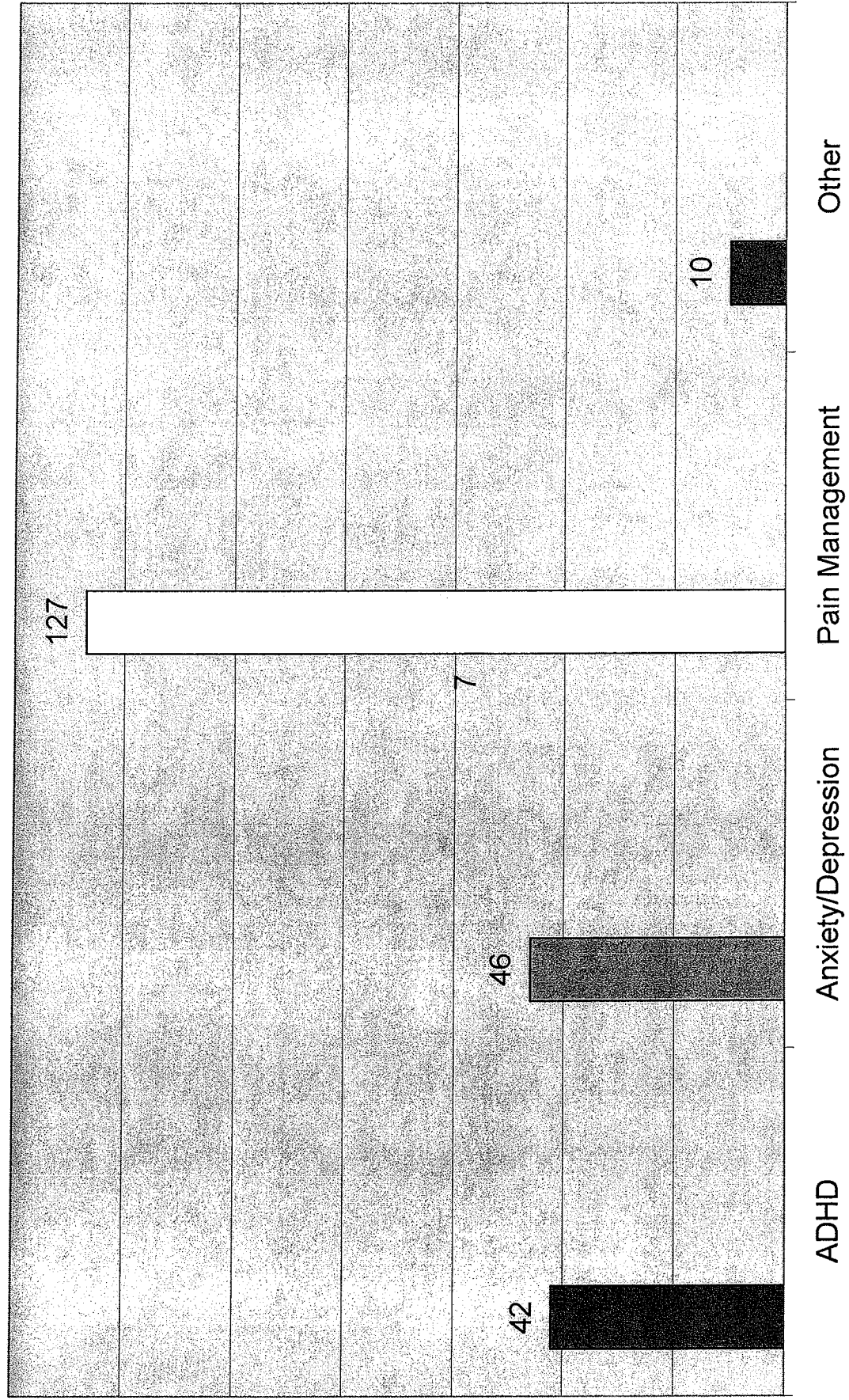


# Types of Drugs and Crimes Involved with Drug Charges in 2009 (Percentages)

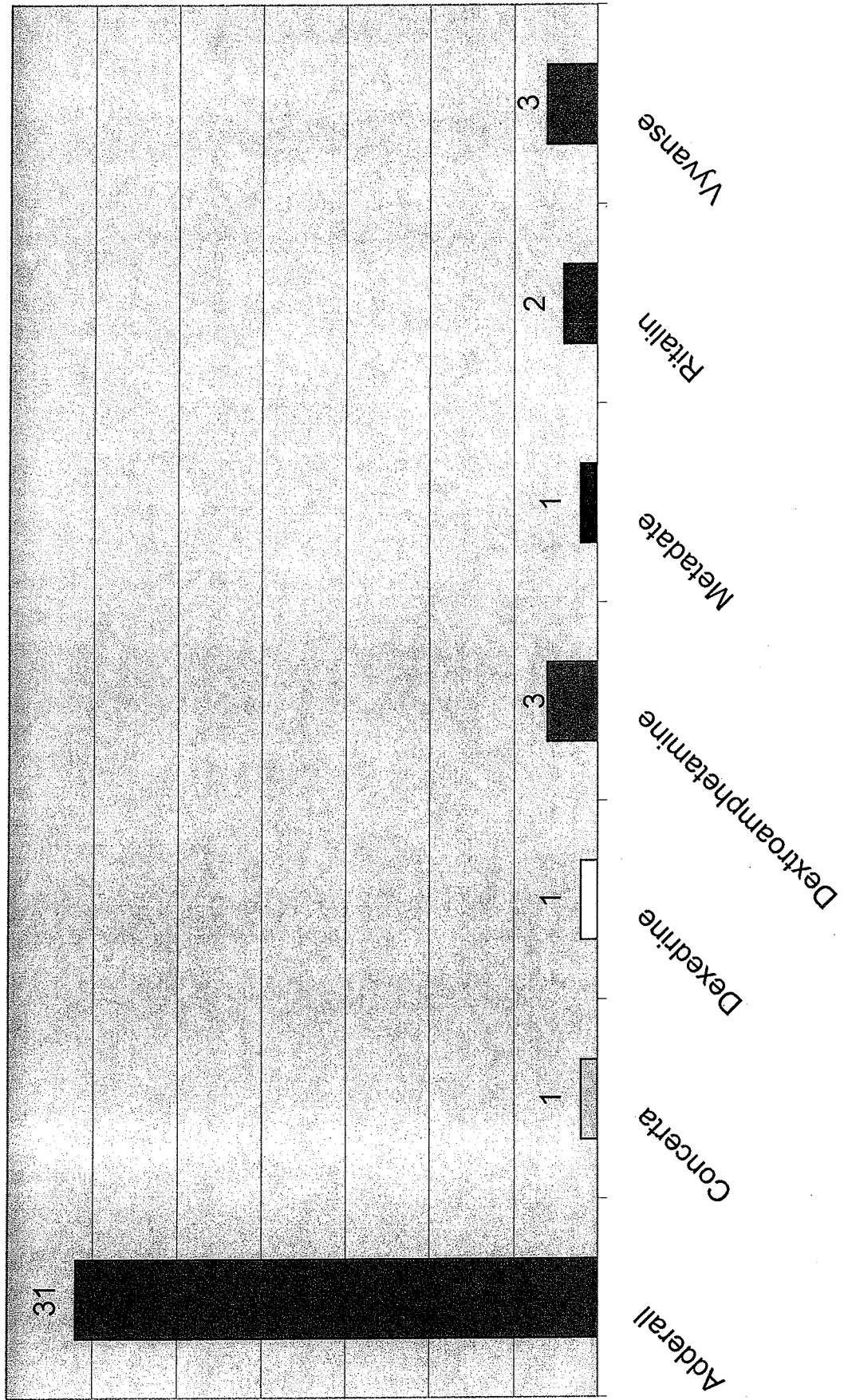


ADHD	Anxiety/Depression	Pain Management	Other
Adderall	31 Alprazolam (Xanax)	6 Baclofen	1 Ambien
Concerta	1 Citalopram (Celexa)	5 Cyclobenzaprine	2 Doxycycline
Dexedrine	1 Clonazepam (Klonopin)	18 Diclofenac	1 Lansoprazole
Dextroamphetamine	3 Cymbalta	1 Fentanyl	1 Levothyroxine
Metadate	1 Diazepam (Valium)	6 Flexeril	2 Loratadine
Ritalin	2 Gabapentin	1 Hydro APAP	1 Metronidazole
Vyvanse	3 Lexapro	1 Hydrocodone	4 Nexium
	Lorazepam	3 Lortab	1 Prednisone
	Prochlorperazine	1 Methadone	15 Viagra
	Prozac	1 Morphine	11
	Resperidone	1 Morphine Sulfate	1
	Seroquel	2 Naproxen	2
		Oxycodone (OxyContin)	27
		Percocet	10
		Tramadol	16
		Tylenol w/ Codiene	3
		Vicodin	29
42	46	127	10

# Categories of Prescription Drugs in 2009 Drug Cases

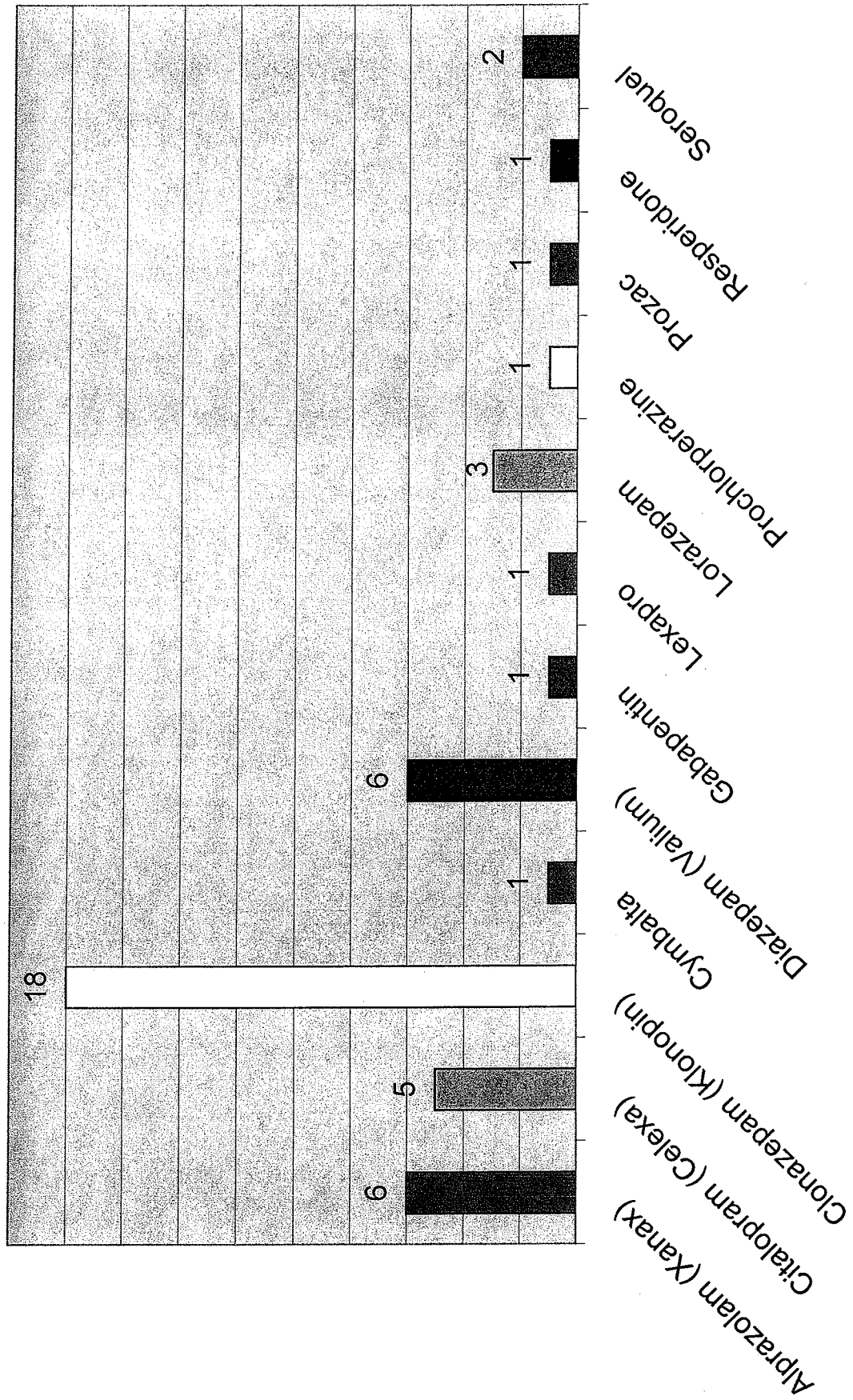


# Names of ADHD Prescriptions Abused in 2009

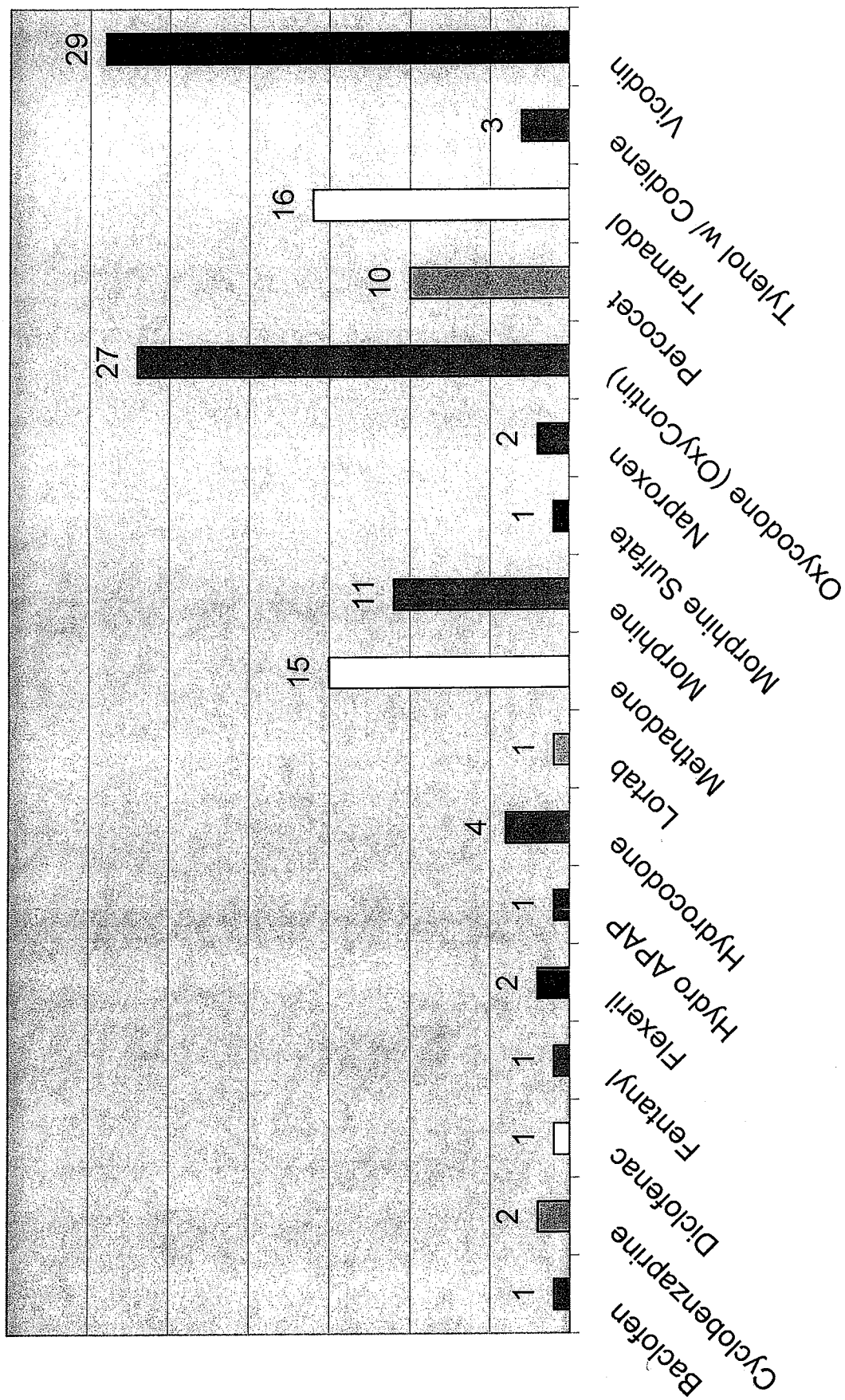




# Names of Anxiety/Depression Prescriptions in 2009

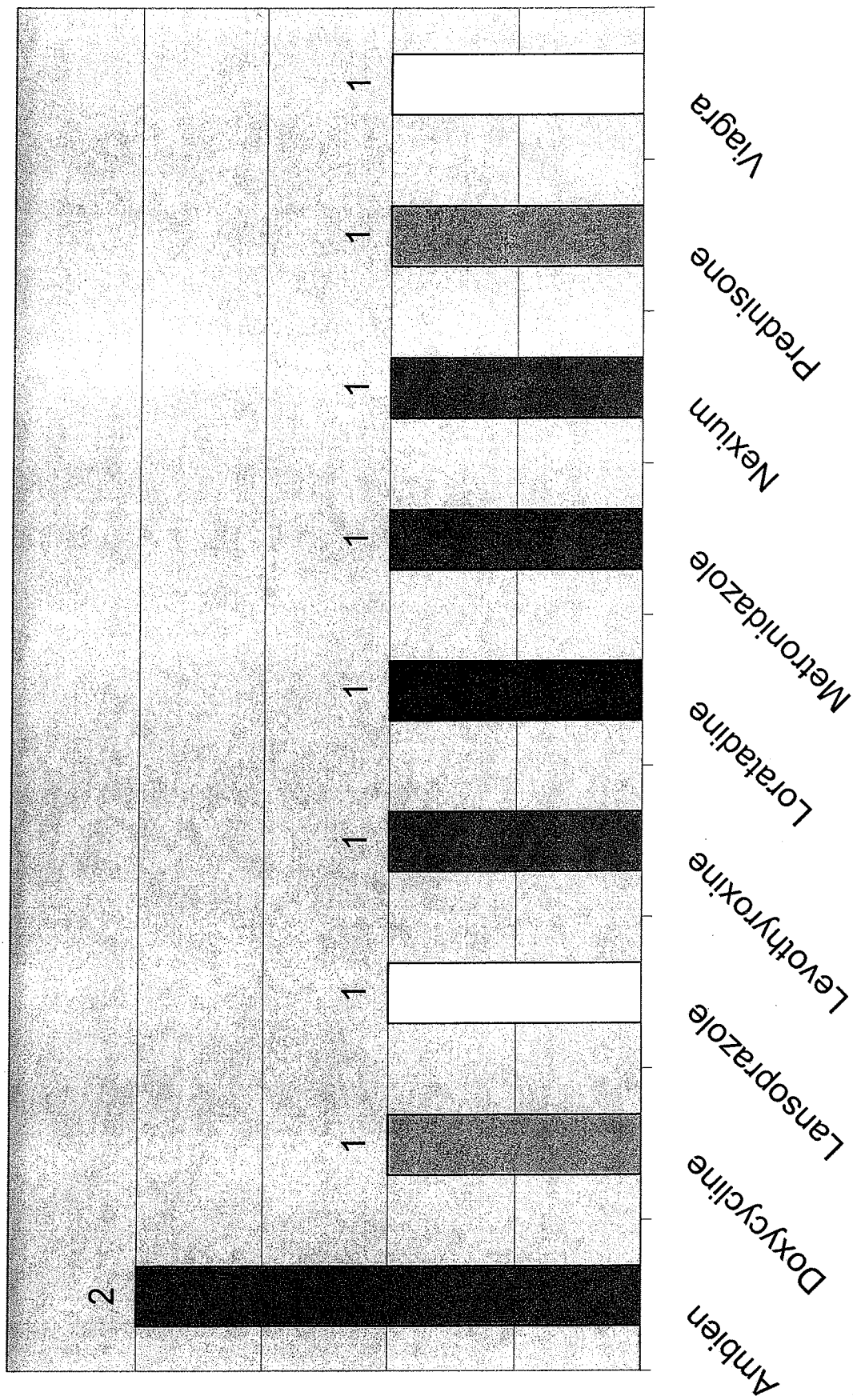


# Names of Pain Management Prescriptions 2009





# Other Prescription Drugs Abused in 2009



## 2009 Drug No Pros Demographics

### Age

	17 & younger	18-24	25-34	35-44	45-54	55-64	65 or older
Total Number	1	12	12	6	1	1	0
Number with Prior Drug Convictions	0	3	4	3	0	0	0

### Gender

	Male	Female					
Total Number	21	12					
Number with Prior Drug Convictions	7	3					

### Race

	W	B	H	A	I	U	
Total Number	21	4	2	0	5	1	
Number with Prior Drug Convictions	6	3	1	0	0	0	

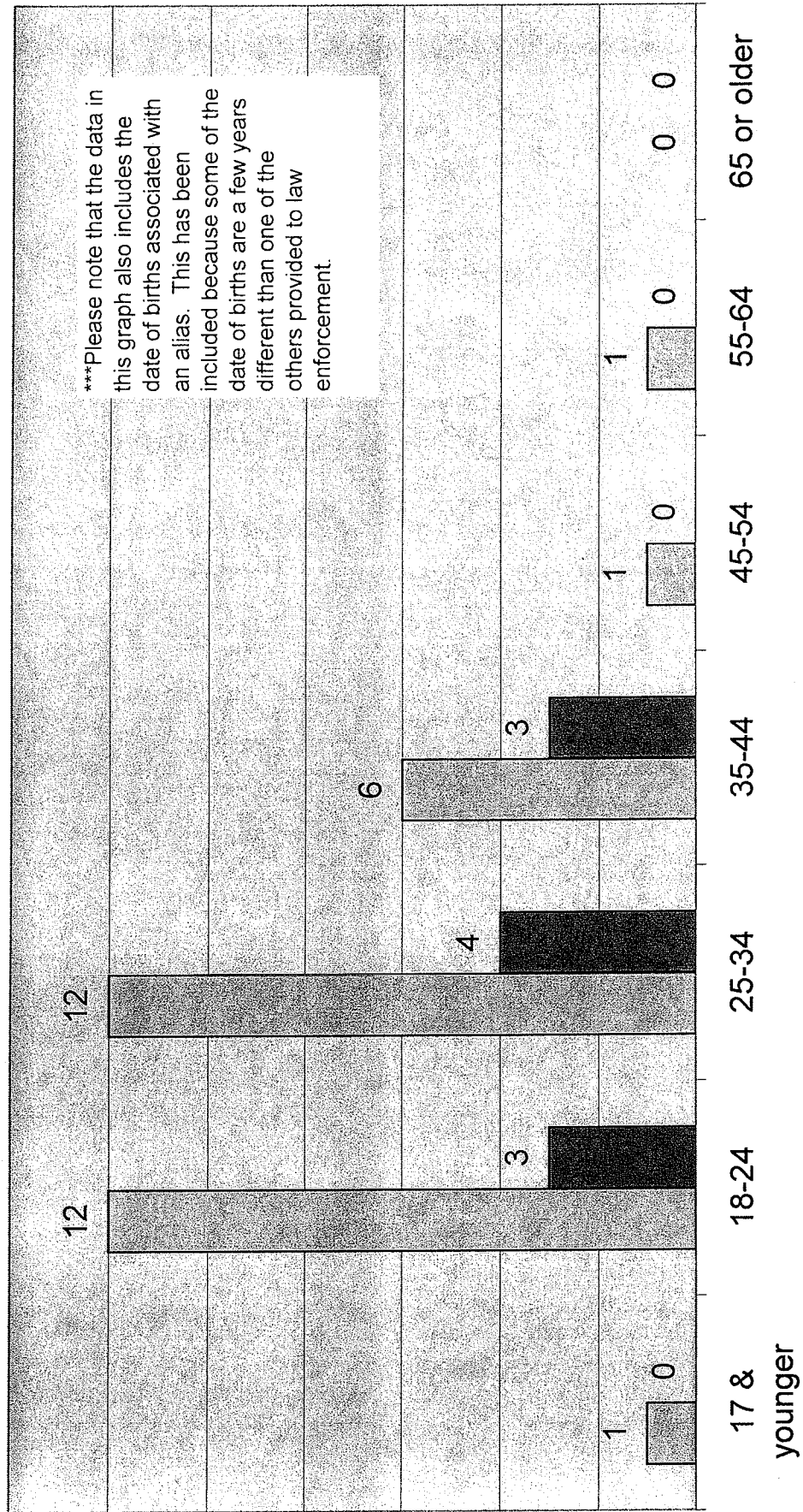
### Attorney Assigned

	WWL		BL		ARP		Other
Total Number	4		16		13		0

### Previous Convictions

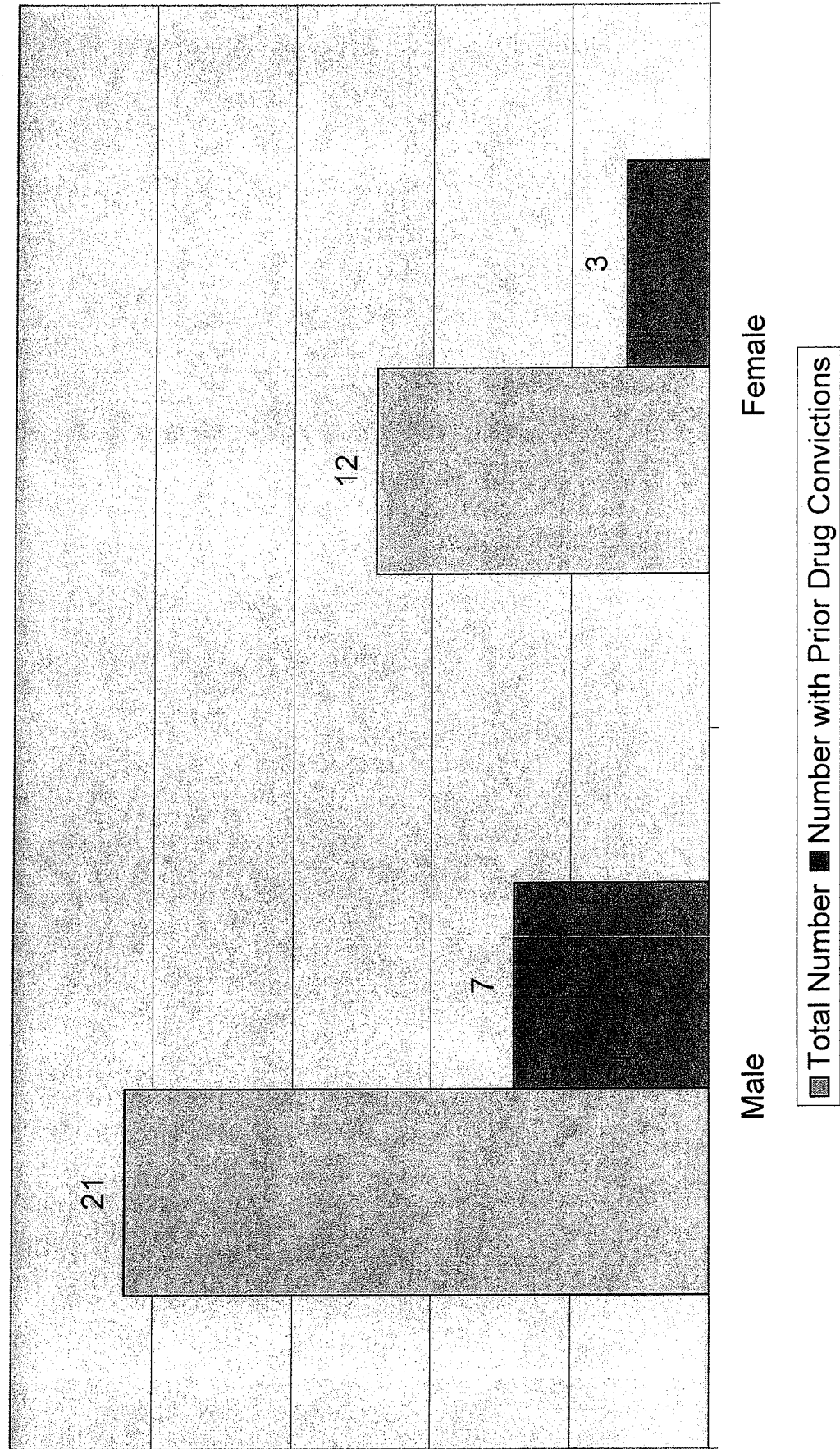
	Yes			No			Pending
Total Number	22			10			1
Number with Prior Drug Convictions	10						

# 2009 No Pros Drug Cases Age vs. Prior Drug Convictions

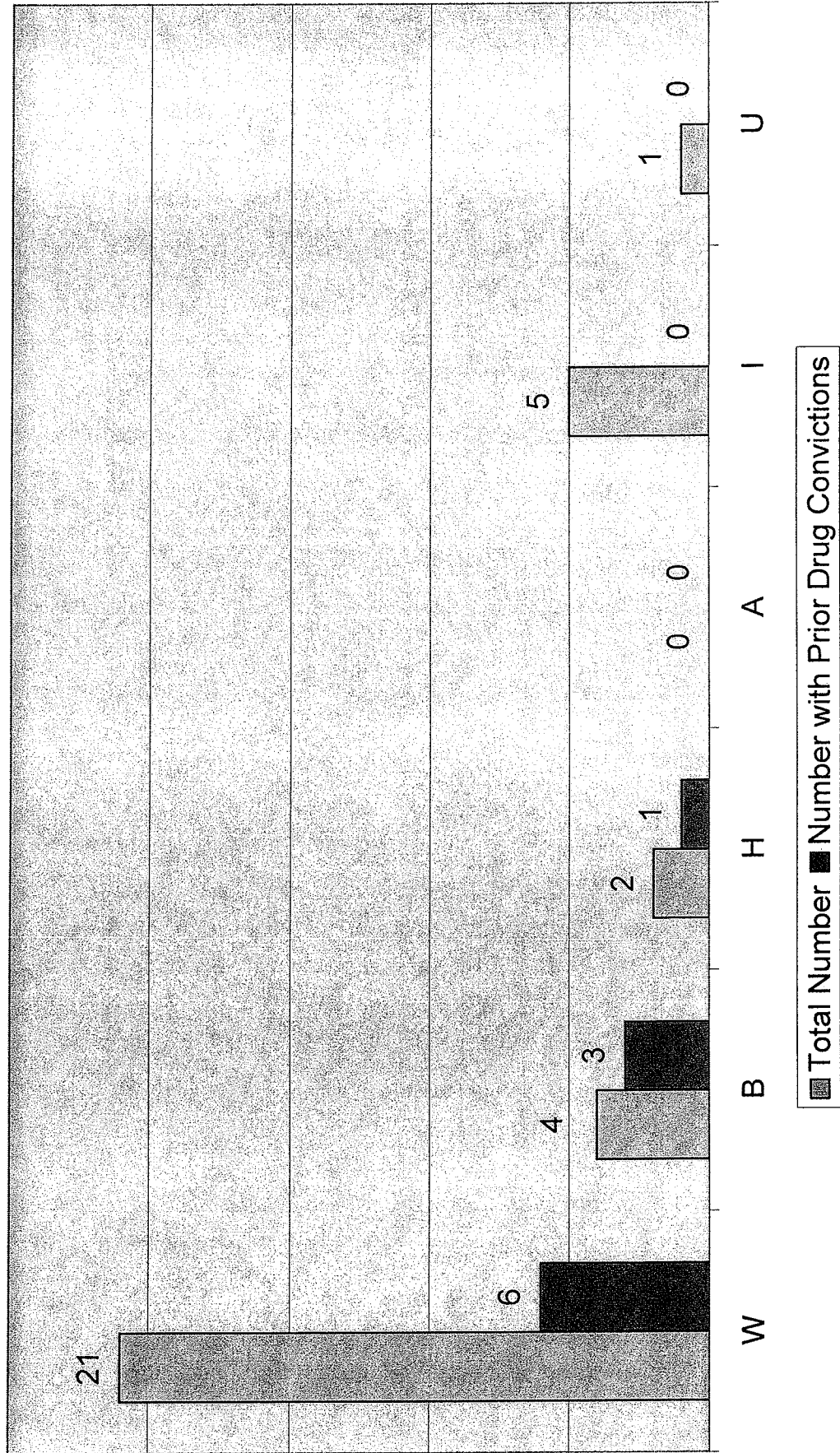


Total Number
  Number with Prior Drug Convictions

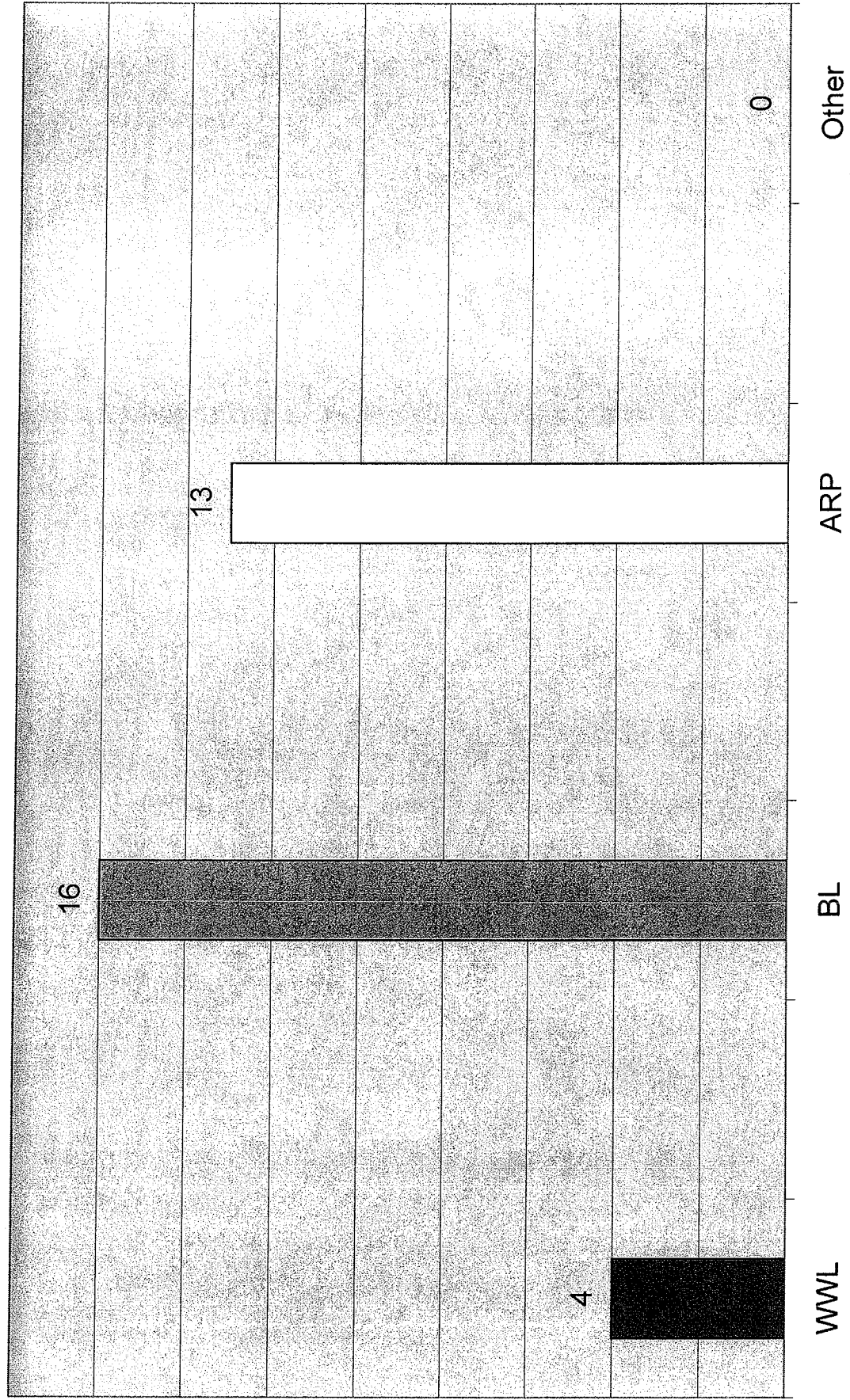
# 2009 No Pros Drug Cases Gender vs. Prior Drug Convictions



# 2009 No Pros Drug Cases Race vs. Prior Drug Convictions

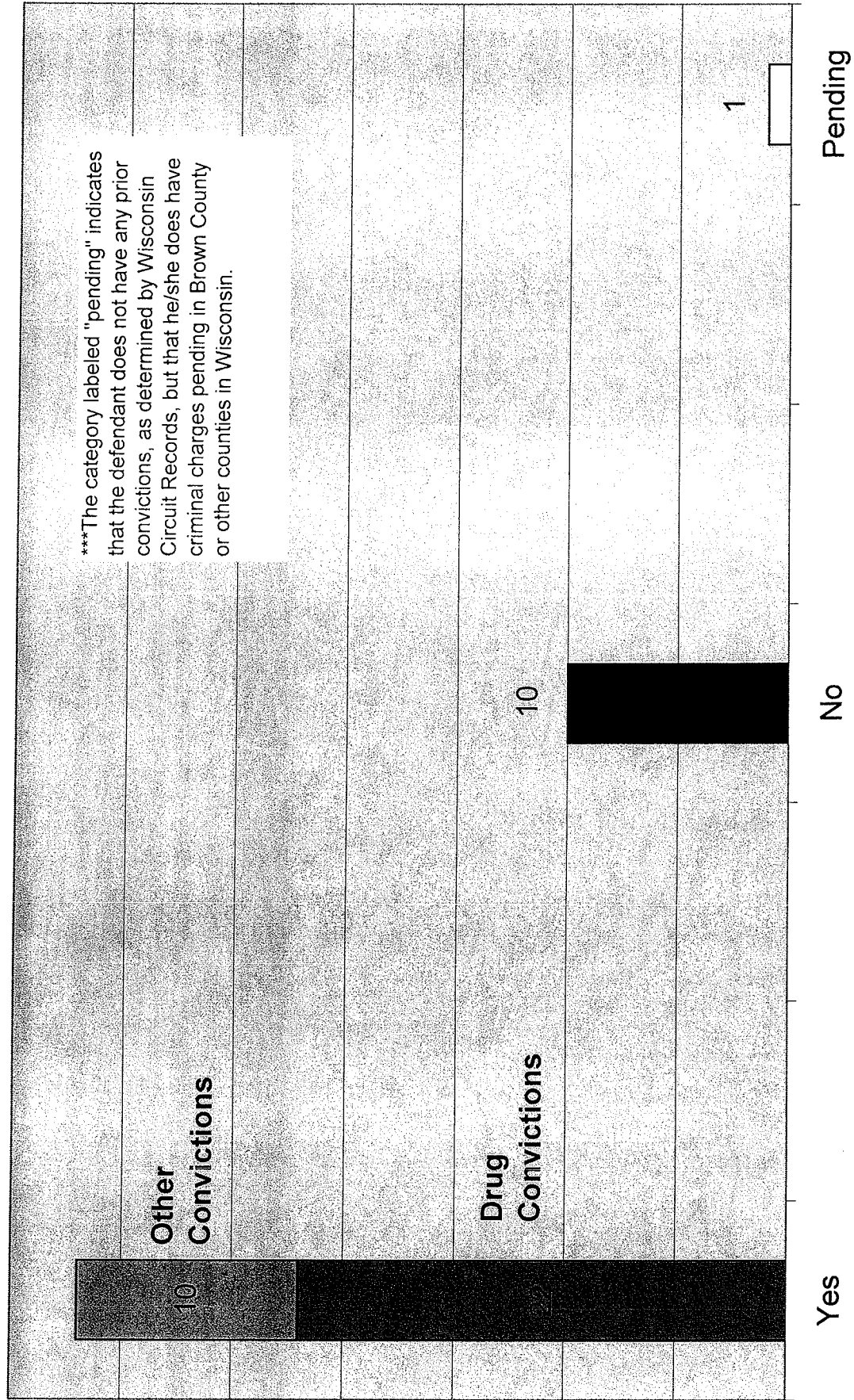


# 2009 No Pros Drug Cases by Attorney





# 2009 No Pros Drug Cases Previous Convictions Count





# 2009 No Pros Birthplace by State

